THE

EMPIRE IN INDIA

LETTERS FROM MADRAS AND OTHER PLACES

BY

MAJOR EVANS BELL

Edited with Introduction, Notes, Select Bibliography, etc.

BY

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DEDICATED TO

THE RIGHT HONOURABLE V. S. SRINIVASA SASTRIAR,

P.C., C.H., LL.D.,

Vice-Chancellor, Annamalai University.

AS A TOKEN OF

REGARD AND ESTEEM.

செப்பனிடுபவர் பெயர்

செப்பனிடுவதற்காக எடுத்துக்
கொள்ளப்பட்ட நாள்.

செப்பனிட்டு முடித்த நாள்

சரிபார்க்கும்
மே.பா.எ.
கையொப்பம்.

ஆராய்ச்சி
உதவியாளர்
கையொப்பம்

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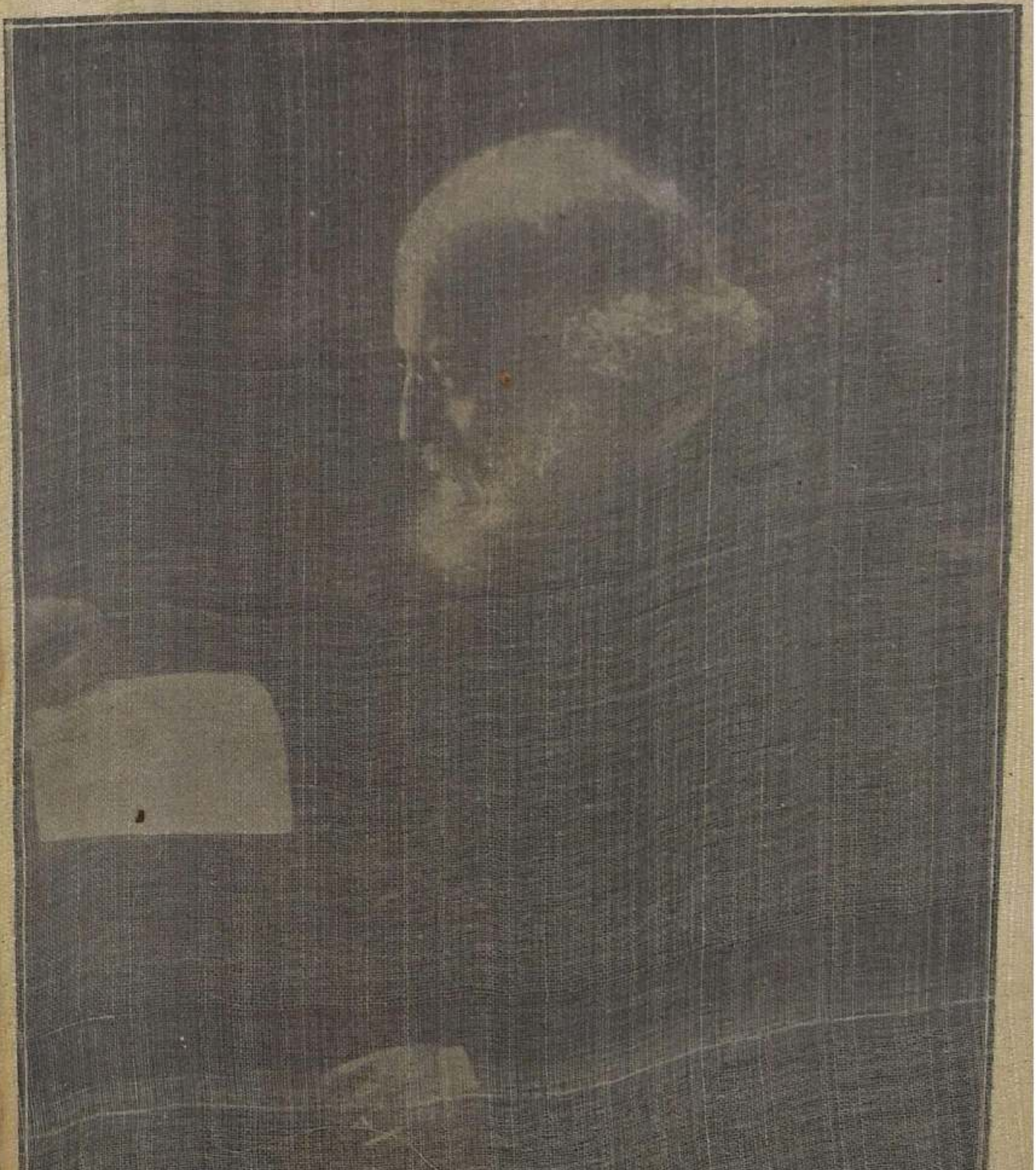

MAJOR EVANS BELL.

PREFATORY NOTE BY THE EDITOR.

This book is an attempt to render accessible to the public, a work of Major Bell, one of the truest friends of India that England gave to her in the nineteenth century His "Empire in India" is a book that should prove particularly valuable for the solution of many of the present day political and administrative problems which are confronting us. The "Letters" that Bell has here given cover a variety of topics that have been agitating the minds of the *intelligentsia* of India through the century that has elapsed since the spread of Western Education began on a large scale. It should be specially interesting to the students of the history of the evolution of the Indian States into their present position.

I have endeavoured to give, besides a fairly long introduction appropriate historical notes and explanations, mostly taken from contemporary records, blue-books and other authentic material. I am very grateful to Mr. V. Venkatesvara Sastrulu, Proprietor of Messrs Vavilla Ramaswami Sastrulu & Sons, for his generous help in getting the book printed; and to Messrs G. A. Natesan & Company for undertaking to publish it. My thanks are also due to Mr. V. Virthagirisan, Research Student in History, Annamalai University, for help given in the preparation of the Index.

31st August, 1935. — C. S. S.

THE

EMPIRE IN INDIA.

THE

EMPIRE IN INDIA:

LETTERS FROM MADRAS

AND OTHER PLACES,

BY

MAJOR EVANS BELL,

MADRAS STAFF CORPS;
AUTHOR OF "THE ENGLISH IN INDIA,
LETTERS FROM NAGPORE, WRITTEN IN 1857-58."

LONDON:
TRUBNER AND CO., 60, PATERNOSTER ROW
M.DCCC.LXIV.

"Our life is turned
Out of her course, wherever man is made
An offering, or a sacrifice; a tool,
Or implement; a passive thing employed
As a brute mean, without acknowledgment
Of common right, or interest in the end;
Used or abused, as selfishness may prompt.
Say, what can follow for a rational soul
Perverted thus, but weakness in all good,
And strength in evil? Hence an after call
For chastisement, and custody, and bonds,
And oft'times death—avenger of the past,
And the sole guardian in whose hands we dare
Entrust the future. Not for these sad issues
Was man created: but to obey the law
Of life, and hope, and action."

WORDSWORTH.—*The Excursion.*

TO

THE HON. R. S. ELLIS, C.B.,

MEMBER OF THE LEGISLATIVE COUNCIL OF INDIA,

CALCUTTA.

MY DEAR ELLIS,

I have no right to assume your entire concurrence in the more distinctive views set forth in these Letters,—the two last in particular—those views which, if they attract any notice at all, may arouse the very general reprobation of our countrymen in India. But the temptation to express my confidence that this reprobation will not be unanimous, and to claim openly a certain modicum of sympathy and support from one so distinguished in the practical work of Indian administration, is, I confess it, too strong for my remaining scruples. We have talked over so many of the topics contained in this

book; I am indebted to you for so much instruction, and for so many friendly offices; you have borne so much from me, and for me, already; that I think I may venture to make one more trial of your patience, and to illustrate my work with your name, without your formal permission.

Ever yours,

EVANS BELL.

36, Bernard Street, Russell Square,
January 11th, 1864.

NOTE BY THE EDITOR ON MR. R. S. ELLIS

Ellis, Robert Staunton (1825–1877.)

I. C. S.; went out to Madras in 1844; was Deputy Commissioner of Nagpur and Superintendent of Police in the Mutiny; C. B.; was Chief Secretary to the Madras Government, 1870 and Member of Council at Madras, 1872–7; retired: Member of the Council of India in 1877: died Oct. 9, 1877.

Mr. R. S. Ellis was the Deputy Commissioner of Nagpur under Mr. Plowden at the time of the Mutiny. It was due to his energy and vigilance that any possibility of rising on the part of the Muhammadans of Nagpur was averted. He discovered the secret nightly meetings held by them and also the time fixed for the rising on the 13th of June; and he succeeded in disconcerting the plans of the conspirators and in getting to know of the suspicious movements that were taking place in the cavalry lines. He kept the European regiment ready for action, summoned the troops from Kampti and sent the ladies of the station for safety to that place. Having made sure of the disposition of the European troops, Mr. Ellis went down into the city of Nagpur, and saw to it that every thing remained tranquil. "There were no other disturbances in Nagpore and for the manner in which the temporary crisis was met and overcome great credit was due to the Deputy Commissioner Mr. Ellis". (Page 54, *Nagpore District Gazetteer*: Vol. A–Descriptive: by R. V. Russell: 1908.)

INTRODUCTION

BY THE EDITOR

Major Evans Bell was one of the truest Friends that India had in the nineteenth century. He was born in November, 1825, son of William Bell and educated at Wandsworth. He went over at an early age to India and joined the East India Company's Military Servi at Madras in 1841. He was first posted to the Second Madras Europeans which was, shortly after his joining it, transferred to Bangalore. For twelve years he was connected with the Madras Army. During that period, his life was not much out of the ordinary, though he gave to the world a small book, entitled "The Task of To-day" in 1852.

Bell at Nagpur; the Mutiny

In 1854, soon after Nagpur was annexed by the British Government, he was appointed Assistant Commissioner of the Province and Assistant Agent to the Governor-General. He was then raised to the rank of Captain and joined the Civil Staff of the New Province. From 1853 to 1861, the dominions of the Bhonslas were administered by a body of officers at whose head was the Commissioner of the Nagpur Province. In May, 1857, Mr. Plowden was the Commissioner and Mr. Bell was his Assistant. When the wave of the Mutiny swept over the Province, some of the leading Muhammadans of the city of Nagpur offered an unwonted opposition to the orders of Government on the subject of extra-mural sepulture. Government put down the symptoms of disobedience with firmness, but received covert hints that the time for the issue of orders by any British Government was soon to end. The behaviour of the Muhammadans was from this time carefully watched; and Mr. R S. Ellis, afterwards, Chief Secretary to the Government of Madras, who was then the Deputy Commissioner of Nagpur, discovered the holding of nightly meetings of the Muhammadans in the city who planned a

scheme for rising in the lines of a regular cavalry corps. The Missionaries of the Scottish Church who ran some schools and had some influence in the city, were given warning that the public mind was much disturbed by the outbreak of the Mutiny at Meerut and at Delhi. A rising was fixed for the night of the 13th of June; but a few hours before the appointed time, one squadron of the body of cavalry which was to have risen, was peremptorily ordered to march to Seoni; and this disconcerted the plans of the conspirators whose attempt to rouse the cavalry failed. Mr. Ellis promptly sent the ladies of the station for safety to Kampti which was garrisoned by two regiments of infantry and one of cavalry of the Madras Army and two European batteries. Major Bell, who was the Commissary of the Ordnance, took very great care of the arsenal and brought loaded cannon to command its entrance and approaches, while a small detachment of the Madras Sepoys got all the guns in position on the Sitabaldi Hill. The Madras troops behaved in a manner that removed every suspicion of their ever having been tampered with by the rebel leaders. It was a very critical moment because, until the arrival of the troops from Kampti, every thing depended upon the temper of the irregular infantry and artillery stationed at Nagpur. Ellis went down into the city where the atmosphere had calmed down. The irregular cavalry which had been largely recruited from the local Muhammadans who were disheartened by the fate of their emissaries who were imprisoned, unsaddled their horses and remained quiet. They were later on disarmed and turned out on foot, but nothing would induce them to give out the names of the ring-leaders. After great difficulty, their emissary who had attempted to tamper with the infantry and five of their officers were tried and convicted of disloyalty and hanged along with two leading Muhammadan citizens from the ramparts of the fort overlooking the city. The treasure was removed to the foot of Sitabaldi where a supply of provisions had been thrown in; and the arsenal was also strengthened. The disarmed cavalry men were kept under surveillance in their own lines till the end of November

when they were again armed and sent to Sambalpur where they performed their duties very well. "There were no other disturbances in Nagpur; and for the manner in which the temporary crisis was met and overcome, great credit was due to the Deputy Commissioner, Mr. Ellis. The aged Bhonsla Princess, Banka Bai, exerted all her influence on the side of the British and did her utmost, by her example, to keep the Maratha districts loyal. The successful issue of the event at Nagpur was of the utmost importance to Southern India. As a leading Maratha State which had been recently annexed, its defection would have served as a beacon of revolt to the Southern Maratha country and to the turbulent subjects in the north of the Nizam's Dominions."

The Position of the Bhonsla Family

Mr. Bell continued to be associated with the administration of the Central Provinces in the years following the Mutiny till 1861, when he had to retire consequent on a technical charge of insubordination to the Chief Commissioner in his having advocated the claims of the representatives of the dispossessed family of the Bhonslas. In 1853 the last of the Bhonsla ruling line, Raja Raghuji III, died at the age of 47, after a few days, of illness, without leaving any natural heirs. This Raja had been adopted as the heir by the widow of Raja Parsoji Bhonsla, on Appa Sahib's deposition in 1818. He was the son of a daughter of Raghuji II, and placed on the *musnud* on the 26th of June 1818; and he assumed the title of Raghuji III. The administration was placed under the management of the Resident, Sir Richard Jenkins, during his minority. When he attained his majority in 1826, a new treaty was concluded with him. His adoption was made by the widow of Raja Parsoji, the imbecile son of Raja Raghuji II, who had been set aside and made away with by the unscrupulous usurper, Appa Sahib, who was only a nephew of the latter. The adopted Prince was a nephew of Parsoji, being the son of Bunna Bai, a daughter of Raghuji II. His adoption was attended with all the solemnities which

the Hindu religion required. Thus Raghuji III was the nearest of kin both to Parsoji and Raghuji II, when he was placed on the throne in 1818. He ought to have been made the rightful heir in 1816 on the death of Parsoji, instead of Appah Sahib, who was only a nephew of Raja Raghuji II and whom the British at first supported and later on had to depose. Lord Hastings wrote at the time to the Court of Directors that the members of the Bhonsla family and the principal persons of the State were consulted on the occasion of the adoption, and they unanimously recommended Raghuji III as being the nearest of blood in the family for the succession; and he was raised to the musnud in the place of the deposed Appa Sahib.

When Raghuji III died in 1853, Yeswant Rao Aher Rao, who was generally known by the name of Appa Sahib and was a grand-nephew of the deceased Raja through his sister's daughter, was proposed for adoption as a son by the royal widows. The aged and venerable Banka Bai, widow of Raghuji II, and regent during her grandson's minority, suggested that the adoption ceremony should take place immediately, but that no public celebration, installation or procession should be conducted until the approval and sanction of the Governor-General should have been obtained; and she had the full support of the widows of Raghuji III. The wishes of the Ranis were forthwith communicated by the Resident, Mr. Mansel, to the Supreme Government. On the 28th of January 1854, Lord Dalhousie recorded a minute that there was no heir or representative of the Bhonsla family and no claimant to the musnud of Nagpur and the sovereignty had therefore reverted and lapsed to the Paramount Power. Lord Dalhousie asked whether "the state of Nagpur which had been once bestowed as a gift on Raghuji III in 1818, should be now be conferred on some body else as a gift a second time". In the course of his Farewell Minute, dated 28th February 1856, Dalhousie, reviewing his administration of India, declared that "the Nagpur Raj was transferred by a simple order to the possession of the British Crown and that, beyond the palace walls, not a murmur had

been heard and in no single instance throughout the districts had the public peace been disturbed ". While Dalhousie refused to recognise the claims of the adoptive heir, Yeshwant Rao Aher Rao, he declared the Prince to be but to be " a Maratha youth and a stranger", denied the validity of his adoption till it should have been confirmed by the Paramount Power and refuted also the contention that the British Government was bound to recognise succession by adoption in the Bhonsla family, because it had already recognised the right of adoption in the elevation of Raghuji III to the musnud in 1818. He further maintained that the state of Nagpur had, even in 1818, been undoubtedly at the disposal of the British Government which had, in consequence of Appa Sahib's treacherous hostility, obtained full rights of conquest, but had merely waived those rights from motives of generosity and policy and allowed the next of kin to succeed. Maratha custom clearly confers the right to be adopted upon the nearest relative whose parents consent to resign him. In the case of Yeshwant Rao Aher Rao, no shadow of doubt had ever been entertained as to his right to be adopted by the widows of Raghuji III. Lord Dalhousie held that Raghuji III did not exercise his right to adopt during his life-time, partly because he did not like to acknowledge his inability to beget a son and partly because he feared that the existence of an adopted son might some day be used as a pretext for deposing him. He then observed:— " The dislike of the late Rajah to the adoption of a successor, was of course known to his widow; and although the custom of the Marathas exempts her from that necessity for having the concurrence of her husband in adoption, which general Hindu law imperatively requires, in order to render the act of adoption valid, still the known disinclination of the Rajah to all adoption could not fail to disincline the widow to have recourse to adoption after his decease ".

Thus the Nagpur Raj became a British possession and the Supreme Government ordered the British Commissioner to allot to the Ranis a quantity of jewels, furniture

and other personal property suitable to their rank, while the value of the rest of the personal property was to be realised by sale and the amount so realised constituted as a fund for the benefit for the Bhonsla family. Dalhousie's minute, dated 10th June 1854, declared that, as the Commissioner seemed to think that the value likely to be realised had been over-estimated, Government should be prepared to make up any sums that may be wanting to afford adequate stipends to the family". The Governor-General did not evidently think it desirable either that the property should be alienated from the family or that it should be given up to be appropriated and squandered by the Ranis.

The Ranis sent a memorial to the Governor-General on the 18th April 1855, that, in October of the previous year, their palace was surrounded by an armed force acting under the orders of the Commissioner and the treasures and the family jewels of the late Maharaja, estimated at the value of two millions sterling were forcibly carried away. Sir John Kaye, the contemporary historian, wrote of the auction of the different items of the Bhonsla family properties thus:—"The livestock and dead stock of the Bhonsla were sent to the hammer. It must have been a great day for speculative cattle-dealers at Sitabaldi when the royal elephants, horses, and bullocks were sold off at the price of carrion; and a sad day, indeed, in the royal household when the venerable Banka Bai . . was so stung by a sense of the indignity offered to her, that she threatened to fire the palace if the furniture were removed. But the furniture was removed, and the jewels of the Bhonsla family, with a few propitiatory exceptions, were sent for auction to the Calcutta market. And I have heard it said that these seizures, these sales, created a worse impression not only in Berar, but in the surrounding provinces than the seizure of the kingdom itself" (*History of the Sepoy War*, Vol. 1: Cabinet edition; page 60-61.). About 500 to 600 animals—elephants, horses and camels—were sold for the paltry sum of ¹

little over 13,000 rupees. Even the *trinkets* and the *family* tokens of the Bhonslas were sold by auction. Sir Edwin Arnold tells us that "there is something, natural, therefore, *if out of harmony*, in the dolorous plaints of the Ladies of the Court, who *having* lost a kingdom, bewailed to the Judge-Advocate-General of Nagpur that a pair of their bullocks had gone for Rs. 5 and an Arab horse for Rs. 20" (*Dalhousie's Administration*; Vol. II, page 168). There was a tumult raised in the palace court to prevent the removal of the goods and it was said that bags of gold and silver to the value of £ 40,000 were "disinterred from under the couch of one of the Ranis" Arnold tells us further "as if to show that the authorities had some tender spot still, that "when certain other amounts were still missing, known to have been concealed in that very common Hindu bank of deposit, the earth, the dying state of the Maharaja's widow, Annapurna Bai, had some humanising effect and the authorities ceased to excavate the zenana". Even the spoons, plates and crockery ware which had been kept by the Raja to entertain the European society at Nagpur and Kampti, seemed to have been auctioned. The Commissioner made a selection of the furniture and jewels which were to be assigned to the Ranis which they refused to make for themselves. Colonel Elliot, the Commissioner, acted with the greatest forbearance under the circumstances; and Lord Dalhousie had previously instructed him to disregard the petulance and the vexatious opposition of the Ranis and to continue to show them, even under every kind of provocation, the courtesy due to their rank, and their sex and their changed condition, and that no stringent or coercive measures should be resorted to and no force should be used for the recovery of the gold mohurs, as "it would indeed be desirable rather to fail in obtaining them than to enter the palace apartments for that purpose."

On the other side, the Ranis bitterly memorialised—several times prior to December 1855 had they written to this effect—that they had been subjected to personal indignities and

annoyances and prevented from having any communication with their friends and advisers; and that one of them, a member of the Bhonsla family, had been actually imprisoned in the common city jail and only released on condition that he should not interfere in their affairs; and also an English officer, Major Ousely, a retired Member of the Bengal establishment, who was on his way to Nagpur, for the purpose of conducting the English correspondence of the Ranis, was summarily arrested by the Commissioner who only released him on his promise to quit the Nagpur territory forthwith; and also the Commissioner had obtained by intimidation and threats the signatures of the Maharanis to such a document as would annul their own rights.

Mr. Mansel who was the Resident at Nagpur at the time of the death of Raghuji III, was kind, conciliatory and very considerate in his attitude towards the Ranis. In his demi-official letter, written a few hours after the Rajah's death on the 11th December, 1853, the Resident had informed the Government that the immediate people of the court and the officials of the durbar naturally desired an adoption, but that he had given no special encouragement to this wish. In his formal despatch written three days later, after enumerating the claimants to the throne, Mr. Mansel wrote that "Yeshwant Rao Aher Rao, grand-son of the late Rajah's sister, would be decidedly preferred by the mass of the courtiers to any other for the *musnud*, whether given to him by adoption or by the grant of the Company". Mr. Bell proves that Lord Dalhousie had thus known, even when he recorded the minute of the 28th January 1854, that an adoption was desired by the family of the Bhonsla and that the Rāja's grand-nephew, i.e., Yeshwant Rao Aher Rao, who was later on actually adopted, would be decidedly preferred for adoption. In April 1854, Mr. Mansel intimated to the Governor-General the wish of the Bhonsla family to retain the throne in the hands of some heir selected by adoption; and the aged Rani, Banka Bai, maintained that she had, in the many communications both in person and by agents, made by her to Mr. Mansel,

expressed her wish for adoption, while the latter had given her "every assurance of the realisation of our wish, when the letters of the Governor-General came to the Ranees declaring that, as there was no heir to succeed to the throne, Government had annexed the State." Banka Bai replied that she had communicated to the Resident all her sentiments, whereupon the latter "set my mind at ease by assuring me that he would in the course of three months procure me favourable orders from your Lordship,". The three months passed away; and on July 15, 1854, the Ranis were told by the Assistant Resident that they were to be pensioned off. Banka Bai now made her first direct protest to the Governor-General, and concluding it by requesting him "with reference to the ties of friendship subsisting from of old between the two Governments, to continue the gadi of the State in this family." In answer to this, Lord Dalhousie stressed, in his minute, in this first direct communication from the Ranis, on "the marked absence of any allegation that an heir was appointed to the guddee of Nagpore" and that Banka Bai did not "so much as attempt to make or even to affirm the existence of any heir to the guddee." The Ranis had been under the impression that they could trust to the good offices of Mr. Mansel and to the friendship of the Honourable Company. They indicated their wishes to the Resident and waited patiently for the orders of the Supreme Government. Mr. Mansel himself had reported to Calcutta that there were living two grand-nephews of the deceased ruler, one grand-nephew of Raghuji II and a nephew (i. e., sister's son) who was married and therefore incapable of being adopted; and he himself had recommended the elder of Raghuji III's grand-nephews as the most favourable selection for the throne. The Ranis had no difference of opinion or jealousy amongst themselves with reference to which of these possible claimants was to be selected for adoption. There was no doubt or question raised among them as to their right to adopt, nor as to the admissibility of an adoption,

nor as to the person to be adopted. Mr. Mansel, in his letter of 14th April, 1854, said that he had been first led to suppose that he should receive a formal representation from Banka Bai and Annapurna Bai, the eldest widow of the late Raja, on the subject of their claims to adopt an heir to the musnud; and he added the following words:—"Partly, I apprehend, from their own helplessness and partly from the disinclination of the most intelligent parties about the Court to engage in a course that might be deemed hostile or held offensive to the British representative, the ladies and other near relatives of the late Raja, have not taken, so far as I can learn, any effective step to appeal in Calcutta or in England against the orders executed by me nor has any formal representation on paper been submitted to myself".

Sir John Low, Member of the Supreme Council, minuted thus on the whole question:—"They and the Ranees were naturally deterred from making any attempt of the kind when they saw the British Resident at once take possession of the Government and order the British troops to be in readiness for any emergency that might occur." "At the same time, while these measures taken by the Resident in pursuance of strict orders from Calcutta, overawed the ladies at the very time when prompt action (on their part) was all important, his kind and considerate manners and expression and his evident desire to maintain their dignity, to preserve their wealth and to secure them a splendid income, still more tended to confirm the Ranees as to the prudence and propriety of trusting to his good offices and to the friendship of the Honourable Company."

According to Sir John Kaye, Mr. Mansel was the best friend that the Ranis had at this time; but he was removed from Nagpur, largely in consequence of his representations in their favour; and the Ranis accused him later, in the quaint language of their English scribe, of "endeavouring to gain a baronetage and

exaltation of rank by reporting to the Governor-General that the late Raja was destitute of heirs to succeed him with a view to his Lordship being pleased to order the annexation of the territory". Sir John Kaye declared that there was not any man in the country "less disposed to annex provinces and to humour governors than Charles Mansel, and, instead of being exalted in rank, he sacrificed his prospects to his principles and retired from the service."

The annexation was made; and Lord Dalhousie declared, in his Farewell Minute of 28th February 1856, that the kingdom of Nagpur became British territory by simple lapse in the absence of all legal heirs. "The kingdom which had been granted to the reigning Rajah by the British Government when it had become forfeited by the treachery of Appa Sahib, was left without a claimant when the Rajah died. No son had been born to his Highness. None had been adopted by him; none, as they themselves have admitted, was adopted at the Raja's death by the Ranees his widows. There remains no one male of the line who descended from the stock and bore the name of Bhonsla."………

The British Government, therefore, refused to restore the territory in free gift upon a stranger and wisely incorporated it within its own dominions".

With regard to the adoption ceremony of Yeshwant Rao Aher Rao, it should be mentioned that his mother gave birth to him on August, 14, 1834, in the Nagpur Palace to which she had been purposely invited, that, on his birth, a salute of 21 guns was fired and also a *feu de joie* was fired by the Raja's artillery and infantry; the child was reared at the Palace itself and accompanied Raghuji III in all the royal progresses through the country, sat by his side in public durbar and accompanied him on his ceremonial visits to the Resident. The Rajah himself would not permit the marriage of the boy to take place as it would have precluded his subsequent adoption. As the prospects of the Raja's getting a son diminished, the court and the family of

the Bhonsla, naturally came to look upon the boy as the destined successor to the musnud. These circumstances and the Ranis' own desire for an adoption communicated to the Resident, may be read side by side with the Governor-General's conclusions stated in his despatches on the Nagpur Succession question in 1854 and reiterated in his Farewell Minute of 1856.

Bell and the Bhonsla Fund

Major Bell maintains that even if the Ranis did not adopt Appa Sahib until after the decision of the Government resolving on annexation was made known to them and that they purposely ante-dated the adoption—which he maintains was not the truth—even then his right to the succession under the treaties of 1818 and 1826 would not have been weakened or diminished. After the Governor-General's fiat of annexation went forth, there followed the question of the realisation the so-called Bhonsla Fund. According to the report of Mr. (Sir Richard) Temple, the then Chief Commissioner of the Central Provinces, the realised proceeds of the property of the Bhonsla family amounted to twenty lakhs of rupees, and this was to be utilised as a set off to the expenses of pensioning the relatives and the retainers of the later Raja. It is contended by Major Bell that the property was actually in the possession of the Ranis and was never in the possession of, nor entered into the accounts of, the Bhonsla Government of Nagpur. It was the private wealth of Raghuji III and a great part of it was kept in certain apartments of the palace zenana. It was part of the private property, both real and personal, of the late Raja and included ancient estates, jagirs, inams, and simple patelships, many situated beyond the limits of the Raj in the districts of Poona, Satara, Ahmadnagar and Sholapore and also in the Dominions of the Nizam. A portion of them had belonged to the ancestors of the Bhonslas before they ever attained to the sovereign rank in the 18th century. Major Bell says that "it is a singular fact that the ancient Watandaris of the Bhonslas were only saved from forming an addition to

Mr. Temple's set-off, by the Bombay Inam Commissioner, Captain Cowper, whose proceedings, for once at least, one is able to approve", and who decided that the deceased Raja did not hold his estates as part of his sovereignty, but as private property, and under the ordinary rules the estates would fall to the widow. After a sequestration of three years, all the Watandaris which had been in charge of the Collectors of the several districts in the Bombay Presidency, were handed over with the accumulated rents to the agents appointed by the Ranis to receive them. Till 1860, the estates remained in the possession of the widows; and in that year, Lord Canning, the Governor-General, recognised Janoji Bhonsla, (i.e, the adopted boy, Yeshwant Rao Aher Rao) as the Head of the Bhonsla Family and transferred the lands to him, together with the remnants of the moveable property that had escaped the auctions of 1854. At the same time the title of Raja Bahadur of Deoor (in the district of Satara) was given to Janoji Bhonsla, "in recognition of the loyal conduct of the family during the rebellion and of the faithful attachment of the late Bunka Bai to the British Government". There was, however, an unconscious insult to the Bhonsla Raja in the Gazettee Proclamation conferring the title which declared Janoji Bhonsla to be "the adopted son of the widow of the late ruler of Nagpore", "an impossible relationship according to Hindu Law, a solecism in legal phraseology and colloquially about as contemptuous and offensive a designation in India as the son of a priest in Italy". Lord Canning aimed at not acknowledging Janoji Bhonsla's direct heirship to the late Raja.; but "the evasion was as ineffectual as the mode of expression was ungracious".

The terms of the provision made for the Bhonsla family were in the first instance announced at the time of the annexation and included the widows and relations of the late Raja, the first among them being Banka Bai. Annapurna Bai, the senior widow of Raghuji III, died towards the close of 1855.

According to Sir Richard Temple, it was only now that Banka Bai and the remaining widows formally adopted Janoji Bhonsla and appointed him to be the head of the Bhonsla house. The aged Banka Bai conducted herself with remarkable loyalty during the Mutiny and effectively served the interests of the British cause. She died at an advanced age at the end of 1858. Thereafter it was decided to revise the allowances payable to the Bhonsla family and to settle a provision on Janoji "the adopted son of the Ranees" who was constituted the Head of the House and was entrusted with the general control of the palace and the household.

Mr. Bell's services in the cause of an adequate provision being made for Janoji Bhonsla are detailed elsewhere. From almost the start of his service in Nagpur he urged upon the Commissioner of Nagpur, the necessity of pressing their claims upon the Supreme Government. Mr. Plowden apparently did nothing; and it was in vain that Bell emphasised the growing discontent among the principal native nobles and people at the treatment experienced by the Bhonsla family. Then came the Great Mutiny, in the course of which Banka Bai stood loyally forth and did her utmost by her example to keep the Maratha districts loyal. What Major Bell attempted to do even before, over the head of his immediate superior and therefore got punished ultimately for, was the pleading for the provision of a respectable sum for the maintenance of Janoji Bhonsla and for his recognition as the head of the Bhonsla house. Mr. Mansel had expected that the private treasure of Raghuji III would have come to about twenty lakhs of rupees and that the jewels of the family would be valued about fifty to seventy-five lakhs. He wrote, that in his opinion, the female branch of the Bhonsla family, to which Janoji belonged, had the right to every thing, but the possession of sovereign power. But Dalhousie decreed that the property should not be squandered nor appropriated by the Ranis, but that

same time it should not be alienated from the family. When the funds should be realised from the auction of the private property of the Raja, the life-annuites of the Ranees were to be provided for from the proceeds. Rani Banka Bai was to receive I,20,000 rupees per annum, Annapurna Bai 50,000 rupees and the junior Ranis lesser amounts. After the Mutiny and the death of Banka Bai in 1858 it was decided to revise the allowances and to settle a provision on Janoji Bhonsla who got Rs 90,000 per annum and, along with him, the three remaining widows of Raghuji III got Rs. 45,000 per annum, each. Major Bell maintained that it was not justifiable that the private personal property of the Bhonsla family which had been converted into the Bhonsla Fund should have been declared to be first source from which the Ranis' life-annuities were to be supplied and the public stipends that were granted as compensation for the loss of their sovereignty were to be made. He protested against the policy of the Governor-General that held that the Bhonsla family was entitled only to a life interest in such a proportion of the private property as the annexing Government chose to consider sufficient for their maintenance. In 1856, Colonel Elliot, the Commissioner had made a proposal that there was no other mode of adjusting the heavy arrears due to the Kahsgi establishment, (i. e., the house-hold of the Raja whose maintenance had been hitherto defrayed from what had been the civil list) but by making use of the treasure in the palace claimed by the Ranis, "but undoubtedly the property of the late Raja and justly available in my opinion for the purpose indicated". This opinion of Colonel Elliot was immediately taken advantage of by the Government. Colonel Elliot himself had acted with greatest forbearance in the the realisation of treasure; but he believed that large sums had been effectively concealed or made away with. From this property portions were to be set aside for the Ranis and the debts of the household were to be paid. These debts should, according to the Governor-General, have been paid by the Raja in his life-time and

this money was "now applied to the purpose on which it ought to have been originally expended". The sum realised after these items had been met, was found to be about Rs. 2.00,000. Lord Dalhousie observed, in his minute of 26th September 1864, that the Commissioner should pay the full amount of the several stipends allowed to the persons for whom they were designed out of the Government treasury, long before the sum was realised. Major Bell held that Dalhousie's aim was to appropriate the private property of the family and to apply the proceeds to the annual expenses of their maintenance which, according to all rights, ought to have been a charge on the public revenues of the newly annexed territories; and he thought that the appropriation of the private property was in reality "a daring act of spoliation". At the time of the annexation, the annuities granted to the ladies of the Bhonsla family, amounted to Rs. 255,000; and in addition to these, the family held estates free from payment of revenue and producing Rs. 15,000 a year. Dalhousie also directed that liberal provision should be made for the other members of the family and for the dependants and retainers of the late Raja. The total sum granted to them amounted to 787,000 Rs. a year. Sir Richard Temple, in his Report on the Central Provinces for 1861, says that the pensioners who were entitled to this latter sum, numbered 2,158 persons and the pensions ranged from Rs. 3 per annum to Rs. 35,000 and the provision for these persons and for the ladies of the Bhonsla family, besides the revenue-free lands, totalled about 25 % of the revenues of the Nagpur Province proper, or 1/4th of the income of the late Nagpur kingdom. Major Bell rightly took Sir Richard to task for saying that all the military pensioners from the Raja's army and from the Nagpur irregular force that was disbanded only in 1861-62, were included in the roll of the Raja's family connections and dependants. He maintained that all pensions of every description and all the inams and other rent-free lands enjoyed by the relatives of the late Raja had been thrown together and made to mount up the 25 % revenues of the

Nagpur Province and this was purposely exaggerated by the *Friend of India* which was markedly pro-Dalhousie and imperialistic in tone and which wrote that all this sum was devoted to the support of the " one family of the Bhonslas ". According to Mr. Bell, the personal household of the Bhonsla family came up to only 200 in number ; and these were in receipt of pensions aggregating to about Rs. 1,75,000 ; and even these pensions were not new grants, but only old allowances and stipends granted and confirmed by successive Rajas of Nagpur and later confirmed by the British Government to those persons whom they found in actual possession and enjoyment of them. A certain portion of the amounts devoted to the Bhonsla family consisted only of life-annuities to the Ranis ; and no part of it was declared to be a hereditary settlement on Raja Janoji Bhonsla and his line. Mr. Bell held that even with the sum of Rs. 27,0,000 actually realised by the sale of the Bhonsla property and by the appropriation of the private treasure, Government would have made a handsome profit out of the transactions, had Lord Dalhousie's original instructions been adhered to. Annapurna Bai, the senior widow of Raghuji III, had died in November 1855; and Kamalji Bai, another widow, died before the pension settlement was actually revised. The aged Banka Bai who tided the family safely during the crisis of the Mutiny, died in the autumn of 1858 ; and at the time of the resettlement of the annuities, only three of the Ranis were living ; and their annuities just amounted to Rs. 60,000 per annum, or less than half of the interest at 5 per cent on the realised capital. The revised arrangements that were made subsequently, gave Rs. 90,000 per annum to Janoji Bhonsla who would have otherwise not received any pension at all as the Raja's heir ; and even this stipend was only a life-annuity ; and no part of it was declared to be a hereditary settlement in the Raja's line. Major Bell contrasts this attitude of the Supreme Government which was so niggardly regarding the provision for the heir of Raghuji Bhonsla and for the old Ranis, with the comparatively

generous attitude of the Bombay Inam Commission which could not, in spite of its harsh vigilance, pick a flaw in the title of the Bhonsla family to their old Watandari estates in that Presidency. Deoor was one of these estates and was among those transferred by the Bombay Inam Commission to the late Raja's widows; and Major Bell rightly holds that when Lord Canning recognised Janoji Bhonsla as the head of the family and spoke of a grant of the estates to him, he might have been technically correct, but was not morally so.

It was for fighting for the cause of Janoji Bhonsla and his right to get a decent provision for himself and the Ranis, that Major Bell was cashiered from his post by the Government of India. Bell had repeatedly urged upon Mr. Plowden, the Commissioner, to keep up his pledged word to the Bhonsla family. So far from doing anything of the kind, Mr. Plowden did not seem to have made even a report to the Supreme Government of the loyal attitude of the Ranis during the time of the Mutiny. At this crisis, Bell who was himself the official medium of communication between the Commissioner and the Ranis, was mistrusted by the latter who were inclined not to discredit Plowden, but on the other hand, to suspect his assistant. It was at this juncture that Bell resolved upon an extreme course which was technically an act of insubordination, and wrote directly to the Supreme Government over the head of the Commissioner. "A single breach of official etiquette might have been condoned; but Bell was not a man to do things by halves; he sent letter after letter, his language becoming stronger and stronger, until at last the Government had no option but to remove him from his post for insubordination and to dismiss Mr. Plowden from his position for dereliction of duty". It is but right, however, to note that the Secretary of State, whilst condemning Bell's 'insubordination', acknowledged that his "proceedings had been honest, fearless and unselfish. Undoubtedly the loss to Bell was great, but he had his reward, the only guerdon for which a man of his calibre would crave".

Major Bell at Madras

Major Bell was not held to have been culpable of any moral dereliction. He wrote to his brother, on the 11th of May 1860, that "all measures of compensation to the Bhonsla family recommended by me, have now been approved and carried out by Lord Canning". He had the additional satisfaction of receiving abundant proof of the gratitude of the people of Nagpur for his having stoutly championed the claims of the dispossessed ruling family. Raja Janoji Bhonsla and his relations shed tears of sorrow at his departure and offered to load their benefactor with gold and jewels. Bell wrote thus; " in fact if I were to tell you all that the young Raja and his relations had said...........he would never allow any one to say, as Europeans often do, that the natives are never grateful. Alas! few natives have reason to be grateful to Europeans; and, in good proof, the Bhonsla family had little reason to be grateful to me, for all that I did was quite unavoidable on my part." As his biographer wrote :—" Truly Bell had reasons to be satisfied with the results of his exertions, for though he himself suffered somewhat seriously, the cause for which he laboured had triumphed in every point."

On leaving Nagpur in September 1860, Bell had an interview with Lord Canning at Calcutta. The Viceroy gave him credit for good intentions in accusing Mr. Plowden of negligence and indifference to his duty of advocating the cause of Janoji Bhonsla. But he would never tolerate official insubordination and would never have asked Mr. Plowden or Major Elliot to keep him in office after what had occurred. The Viceroy assured Bell that his name was, however, not barred for future employment; and early in January 1861, he was appointed Deputy Commissioner of the Madras Police and the President of the Madras Municipal Commission. He continued to occupy these places for nearly three years., and returned to England in the course of 1863. A series of letters were written by him from Madras and elsewhere wherein he pleaded very hard for the cause of the

Indian Princes and of the people. It is a number of these letters bearing on a variety of topics of great interest, alike to the British Indian Government and the Indian Princes and people, that form the subject-matter of the book now being edited.

The India Reform Society

About this time, after his return to England, Major Bell got into close acquaintance with Mr. John Dickinson, the author of a pamphlet entitled "The Famine in the North-Western Provinces of India." Dickinson was the driving force of the India Reform Society which was started in March 1863 and which was largely responsible for offering a stout opposition in England to the Dalhousie policy of annexation and, in a larger measure, for the revival of Britain's interest in Indian affairs after the crisis of the Mutiny. Mr. Dickinson was for nine years the Honorary Secretary of the India Reform Society and, for seven years more, its Chairman. In all his labours he was a close fellow-worker of such doughty champions of the cause of the people of India, like Henry St. George Tucker, John Sullivan, Capt, W. J. Eastwick, H. D. Seymour, John Bright and Richard Cobden. Mr. Dickinson had produced as early as 1852, a book, entitled "Government of India under a Bureaucracy", the most important of his published works and one that contributed, more than any thing else, to the rapid formation of India Reform Society. The chief edition of it was published in 1853, as one of a series of India Reform Tracts and enjoyed a very large sale and circulation. This little band of Indian Reformers in England included several who had gained great experience and won distinction in every branch of service under the Government of India and who were in close communication with enlightened Europeans and Indians in every part of the land. Shortly after the starting of the India Reform Society, Mr. Danby Seymour, one of its prominent members and an M. P., undertook a voyage to India to acquaint himself personally with the condition of its people. He stopped at Madras for some time and undertook a tour through the interior

of that Presidency under the guidance of a very capable Indian publicist, Gazulu Lakshminarasu Chetty; both of them visited Cuddalore, Kumbakonam, Coimbatore and other places. Mr. Seymour was thoroughly convinced by his able Madras guide of the manner in which the local authorities curtailed the civil and religious rights of the Hindu community and also over-assessed the land-holder with a heavy tax-burden. Mr. Chetty so convinced Mr. Danby Seymour of the tortures to which the defaulting ryots were subjected at the hand of the revenue and police officers that, as soon as he returned to England, he arranged that a motion condemning the prevailing system of assessing and collecting the revenue in the Madras Presidency should be brought forward in Parliament by Mr. Bright, another prominent member of the India Reform Society. Mr. Bright's motion, though defeated by a narrow margin, had a complete moral success, as it roused the feelings of the House, and as it was "the first occasion on which the Ministry and those members (of Parliament) who were also Directors of the East India Company, were forced to admit that there were grounds for enquiring into grievances and abuses, the existence of which, up to that time they had flatly and vehemently denied". In the course of this remarkable debate, Mr. Bright replied to Sir James Weir Hogg that the unpalatable truths in Mr. Seymour's speech, were indeed true and concluded that, "previously it had been the part of the system of the Government to which the Honourable Baronet belonged, to suppress all such impertinent exposures with dogmatic assertions and arrogance of view." In consequence of this debate, Lord Harris, the then Governor of Madras, appointed, with creditable promptitude, a Commission to inquire into the prevalence of torture and into cases of the use of instruments of torture by the subordinate servants of Government for the purposes of realizing the revenue, and of extracting confessions in police cases. The Commission included, among others, Mr. John Bruce Norton, who was a fearless judicial reformer, a friend of the cause of the higher education of the

Indians and a vehement opponent of Lord Dalhousie's policy of annexation. Mr. Norton constituted the non-official element of the Commission; and it was largely owing to his acuteness and independent energy that the investigations were pushed very far and the report of the Commissioners which was published in 1855, was tolerably outspoken. From this time Mr. Norton became one of the closest friends of Mr. Dickinson and, later, a most regular correspondent of the India Reform Society. When Major Bell became the Deputy Commissioner of Police and the President of the Corporation of Madras, early in 1861, he began to enjoy the benefits of the friendship, countenance and views of Mr. Norton; and the letters that he penned from Madras in the course of his stay were naturally influenced by the mind and views of Mr. Norton. Mr. Norton was a friend of the Indian Press and was a doughty champion of the integrity of the Indian Principalities. He was the special advocate of Her Highness Kamakshi Bai, widow of the last Raja of Tanjore and a claimant to the escheated musnud of that state. He put up a hard pleading for the continuance of the Nagpur Raj, the Carnatic Musnud and the Tanjore Raj. He condemned not only these acts of deprivation, but also the manner in which the deposition of these ruling families was carried out. The Tanjore case was, according to him, even more iniquitous than the Carnatic spoliation. He held that Nagpur was annexed, because its possession would materially help Britain then in getting raw cotton for her factories; and he wrote of the annexation in the following words:—"and so *cotton stuffed* the ears of Justice who is deaf as well as blind". He was very hard in his condemnation of the class of Residents at the courts of Indian Princes and deemed the typical Resident to be "the most pestilent form of an Indian official" and as being a sort of "Cerberus, uniting the three separate functions of spy, jailor and dry nurse", whose main feature was "the most overweening idea of his own importance. Norton regarded the annexation of Oudh as the last, as well as "the most scandalous

and the most fatal, of our aggressions." All these views are reflected strongly and faithfully in the Letters of Major Bell.

Britain's sympathy with and eagerness for the remedy of Indian wrongs and the satisfaction of Indian aspirations were not obviously manifest in the critical years 1856-59. "Naturally enough the disposition in English circles to listen to the alleged wrongs of India, was very limited and very languid, so long as the impression or the recollection remained of the treachery, the horrors, and the outrages by which that insurrection (like all similar insurrections) had been signalised. The grandeur and the glory of military events, the splendour of heroic deeds and sufferings filled and occupied the public mind. Even those who had helped the most before the outbreak, had now something else to think of and other work on hand. The foremost questions now were military and financial; the sole object in view was the future security of the Empire from a storm such as had just been weathered. To that all administrative reforms, all redress of grievances, were postponed; to that all the details of reorganised establishment were made subservient. What would commonly be called "Native" interests, though really of national and Imperial importance, were swamped and swallowed up in the mere departmental changes consequent on the transfer of Government from the Company to the Crown. The supersession of one set of officers by the formation of the new Staff Corps; the damaged prospects of another set by their regimental purchase funds becoming inoperative; the offer of a bonus or a pension to one branch of the service by way of compensation or to accelerate promotion; the protest of convenanted Civilians against some encroachment on their vested rights; all these matters of private and class interest attracted much more attention and excited more discussion among the legislators and electors of the United Kingdom than had ever been aroused by some high-handed act or elaborate measure of the Indian Executive, involving the continuance of a dynasty or a State, and affecting the fortunes of millions".

A Change of Policy Urged

Mr. Dickinson and men of his school of thought with regard to Indian Politics, came to be convinced, particularly markedly from the year of the Mutiny, that the British nation could not directly govern the huge population of India with their scanty band of British officials and small number of European soldiers who were connected only by the slenderest ties with the bulk of the population of the land. They held that the British Government should continue to enjoy the close co-operation and assistance of Indian Rulers and chieftains who fully appreciated the solid advantages of British Imperial supremacy, and "through whom, if the prescribed principles and practice of its *political representatives* were made more congenial and consistent, it could govern and guide all the nations of India". The India Reform Society was consistently and strenuously opposing a policy of weakening, or alienating the manageable conservative Indian powers. It was solidly opposed to the policy of annexation; and it was glad enough to have got some measure of freedom for the pleading of its own views in 1858. After the Mutiny, Lord Canning explicitly began to repudiate every one of arguments by which the annexation policy had been recommended by its champions in the two previous decades. Mr. Bright, in the course of the debate on the second reading of the Government of India Bill, on June, 24, 1858, made his grand speech on Legislation and Policy for India—"a speech that created a profound impression among the educated and reflective classes of the Empire which has not been effaced by the lapse of time". The key-note of that speech is contained in the following words:—"India must be governed, not for a handful of Englishmen, not for their Civil Service whose praises are so constantly sounded—India may be governed, if you like, for the good of England, but the good of England must come through the channel of the good of India". Mr. Bright protested against the excessive centralisation of the Indian Government and put forward a plan to break up the Indian Empire into at least five Presidencies based

on differences in language and geographical position, whose Governors were to be perfectly equal in rank and salary and were to be assisted by Executive Councils composed of European and Indian Members alike and also to be empowered to correspond directly and independently with the Home Government. He preferred thus five modest Presidencies to one grand and colossal Indian Empire. He had no love for the very name of Empire, because an Imperial policy, such as that pursued by Lord Dalhousie, was wholly abnoxious to him. It was an Empire that most effectively destroyed friendly dynasties and conservative and well-disposed princely estates; and it was a dominion that was the ideal of Lord Dalhousie and that aimed at changing India from a congeries of states into an '*Empire one and indivisible*. Bright urged Englishmen to abandon the depreciation of the Natives of India, to grant a general amnesty through the mouth of the Sovereign of England, to promise to the Indians a security for their property as complete as that which existed in England and to put an end to "all those mischievous and irritating enquiries which had been going on for years in many parts of India as to the title to the landed estates, by which you tell the people of that country that unless each man can show an unimpeachable title to the property for ninety years you will dispossess him,........". He urged Parliament to hold sacred the right of adoption by Indian Princes, which has prevailed for centuries and to establish a court of appeal for the settlement of disputes in India itself between the Government and its subjects, instead of the Privy Council at Home.

Lord Canning brought about a marked change in Government's policy after the passing of the Government of India Bill and the Queen's Proclamation. He candidly admitted that the annexation of friendly principalities had not "added to the resources of the public treasury" and had not "combined but scattered our military strength." He acknowledged in so many words that the Government had no right of causing lapses by refusing to

recognise adoptions and that Indian States were not incorrigible and their reformation was not "a hopeless task as sone pretend". He believed that the Princes of India might be encouraged to "become useful instruments of civil government and to take a pride in it".

Measures of Amelioration--The Dhar Case

Thus the India Reform Society and its principal supporters put forward their views as to the right policy that should be pursued with reference to India. Mr. Dickinson did not, however, agree with the proposal of Mr. Bright to abolish the office of the Governor-General, but outlined an alternative plan of a "Grand Constitutional Indian Empire, composed in a great measure of Reformed States confederated under the presidency of a British Viceroy". He took up the cause of Dhar which had been confiscated by Government early in 1858, but the restoration of which was definitely promised by Sir Charles Wood in the House of Commons in March, 1860. The Home Government ordered that the confiscation of that State should only continue during the investigations of the Indian Government as to the instigators of the outrages committed by the mercenary troops, but that arrangements should be made for eventually restoring the young Raja to the musnud of Dhar. While the controversy over Dhar was occupying the attention of Mr. Dickinson and the Society, there began the great agitation over indigo-planting in Bihar.

The Indigo Controversy

The passing of the Bengal Rent Act of 1859, secured to the holder a certainty of the possession of his lands. Shortly after this Act became law, there arose a bitter quarrel between the indigo planters and the ryots who raised that crop. Sir John Grant, the new Lieutenant-Governor of Bengal, issued an order in which he announced that Government had no thought of com-

pelling people to grow indigo or any other crop that would result in their own ultimate loss. But he held that all contracts made by the ryots with the planters must be fulfilled. The peasantry mistook the order for "an indirect dissuader from growing indigo at all". They refused to cultivate according to the existing contract rates; and Government passed, in March 1860, an Act which made breaches of contract on the ryots' part, punishable for the next six months; while a Commission presided over by Mr. Seton-Karr, Secretary to the Bengal Government, was ordered to inquire into the causes of the prevailing discontent and to suggest remedies. However, a great amount of confusion arose in the indigo-planting areas; and in some places the ryots rose and destroyed the property of the planters and had to be put down only by troops, while blood was shed on both sides. The Lieutenant-Governor was confronted with vast crowds of men, women and children imploring his interference on their behalf, as he sailed down the Ganges; and Lord Canning feared that the situation had become very critical and wrote:— "I felt that a shot fired in anger or fear by one foolish planter would put every factory in Lower Bengal in flames". Meanwhile, the report of the Commission which concluded that the indigo cultivation was unprofitable to the ryot and that the oppression practised by the Indian servants of the European planters and, in some instances, by the planters themselves was indubitable, had reached the Home Government which had, consequently, to consider the question whether criminal proceedings for the breaches of contract against the ryots were justifiable. Sir Charles Wood, the Secretary of the State, and his Council, were of the opinion that breaches of contract ought not to entail criminal proceedings; and a despatch was sent to the Governor-General on the 18th April 1861, in which sanction was refused to the Bill proposed by the Government of India for the punishment of breaches of contract regarding indigo cultivation. Sir Charles Wood thus wrote:—"The question of making breaches of

contract for the cultivation and delivery of agricultural produce punishable by criminal proceeding, is not one which now for the first time presents itself for consideration. It has been maturely considered; and the deliberate judgement of the Indian Law Commissioners, of the Legislative Council, of the Secretary of State in Council, of the majority of the Indigo Commissioners, of the Lieutenant-Governor of Bengal, and even, as it appears to me, of your own Government, has been recorded against any such measure. I am not prepared to give my sanction to the law which you propose, and to subject to criminal proceedings matters which have hitherto been held as coming exclusively under the jurisdiction of the civil tribunal; and I request that the Bill for the Punishment of Breaches of Contract recently introduced by you into the Legislative Council may be withdrawn".

This despatch gave rise to many complaints about the Secretary of State over-riding the Government of India; but his refusal to sanction the penal contract law did not definitely set at rest the indigo question. The planters agreed to pay more for their indigo, but demanded higher rents and returns. The ryots were emboldened by the Rent Law of 1859 and everywhere made a bold stand in spite of the evictions with which they were threatened. In cases of rights of occupancy at enhanceable rents, the British planters who had come to occupy the position of the Indian Zamindars, had more advanced notions of law and right and were "not likely to be satisfied by a mere rule of thumb". Mr. Hills, a planter, brought in a claim, for the purpose of raising the whole question, against one Iswar Ghose. In this trial, the ryot contended that the rent could only be raised in proportion to the increase in the value of the produce, while the land-lord maintained that the lessor had a right to exact as much rent as he could from any other person. The decision in the District Court where the case was tried, was "that it was incumbent on the plaintiff to show that the value of the produce had increased

in proportion to the increase of rent asked for; and that if he could show that the value of the produce had doubled, he would be entitled to recover double the former rate of rent, and that, if it had trebled, he could treble the rent and so on".

This decision was reversed by the Chief Justice, Sir Barnes Peacock, sitting along with two other Judges. But, in a similar action that was brought before the High Court, the case was tried by all the Judges thereof; and the whole Bench except the Chief Justice, decided that the planter had no power to indefinitely raise the rent of the ryot and that the rent could only be raised in proportion to the increased value of the land, such increase not being due to the exertions of the ryot.

The sequel to the indigo troubles was the famous Nil Darpan Case. The *Nil Darpan* or *Mirror of Indigo* was a Bengali drama written by Babu Dinabandhu Mitra, in which the chief figures were two indigo planters who were painted as cruel tyrants and whose conduct drove the ryots into madness and suicide. The wives of the indigo planters shocked Indian ideas of decency by riding about on horse-back and by dancing with the District Magistrate whose name occasioned great terror. An English translation was made of the play under the supervision of the Rev. J. Long, "one of the most upright, clever, and learned missionaries in Bengal". Mr. Long had sent a copy of the original work to Mr. W. S. Seton-Karr with whose permission the translation was carried out. Unfortunately the Secretary to Government misunderstood the orders of the Lieutenant-Governor and had five hundred copies of the Translation printed at the public cost and distributed, with their postage borne under the Government frank. In the introduction to the Play, it was pointed out that it was "the annals of the poor" and it "pleads the cause of those who are feeble; it describes a respectable raiyat, a peasant proprietor happy with his family in the enjoyment of his land till the indigo system compelled him to take

advances, to neglect his own land and to cultivate crops which beggared him, reducing him to the condition of a serf and a vagabond: the effects of this on his home, children and relatives are pointed out in language, plain but true; it shows how arbitrary power debases the lord as well as the peasant; reference is also made to the partiality of various Magistrates in favour of the planters and to the Act of the last year penally enforcing indigo contracts ". The planters and their friends got into a hectic fury; and there was great excitement throughout Bengal. One of the leading English journals "shrieked against the Government of Bengal as vying in wicked purpose wi n that of Naples under King Bomba." "From all the white town of Calcutta went forth a fierce cry for justice upon those who had spread abroad so foul a slander against the planters and journalists of Bengal". The Land-holders' and Commercial Associations addressed the Government on the subject and brought actions in the courts. An English jury found the book a libel, while the printer was fined and the Rev. Mr. Long was fined and imprisoned for a month. The fine was immediately paid by an Indian friend of the author. But the planters had their revenge upon Mr. Seton-Karr also, who offered an explanation to the public in a letter to 'The Englishman' and admitted to the Government of Bengal his responsibility for giving the sanction to the circulation of the Translation. Lord Canning condemned the action of Mr. Seton Karr in having omitted to impart to the Bengal Government knowledge of the matter of the translation and publication, and had him transferred to a less important post. Sir John Peter Grant regretted the occurrence as having excited irritation when the object of everyone should have been to allay it. He wrote however that "the words charged as libellous, I understand, are not in the play, but in a preface by the author affixed to the play".

Bell and the European Planter

Lord Canning deemed the whole episode to be a "great public scandal". It ended, however, with the submission of an apology by Mr. Seton Karr to the Government of India for failing to impart to it "such information as he thought of paramount importance to it." The whole situation is well thrashed out by Mr. Bell in Letter No. XIII, entitled 'Planters and Landlords" wherein he expressed his apprehension that the "European land-lord if not immediately and extraordinarily successful, would be, I fear, almost invariably exacting and oppressive in good season, and unable, or not particularly inclined to support his poor tenants and labourers in hard times as would be done by a native *Zemindar*". He wrote that "the European in India, more especially in the remote districts is almost exempt from the salutary influence of public opinion in his dealings with his native fellow subjects"; and that his European compeers were unlikely to hear anything and certain to care nothing, "about his transactions with his native tenantry and neighbours, unless some thing should occur amounting to positive criminality, and in such a case, the spirit of clanship would generally make the social verdict very lenient." Nowadays the attitude towards the Indian labourers and the sense of social responsibility evinced by the European planter, has become much less liable to condemnation and much more worthy of commendation and of being quoted as models for the observance by the Indian landlord himself. But in the sixties of last century, when the indigo troubles and those connected with the rapid extension of the area of cotton cultivation were very ripe; it was a necessary piece of advice and warning that Bell gave out in that Letter. For him it was not so much the development of the resources of India and the extension of capitalist enterprise that required commendation or encouragement. He condemned the indigo plantation system as having "collapsed at last by its

own rottenness" put it forward as "the most striking exhibition possible at might be expected from an influx of European agriculturists without capital such as were nearly nine-tenths of the Bengal indigo-planters. His lesson was that India wanted not planters, but landlords; and he feared that the English landlord was most likely to quit the country just when his labours had become most successful. And he put forward the experience in Ireland and the West Indies as illustrating what an absentee estate might become under the management of an ordinary agent. He was firm in his conviction that has been but confirmed by subsequent experience in India, was that the system "possible only in particular localities for certain high-priced staples, on a comparatively limited scale or for temporary purpose s of initiation and instruction." He boldly declared :—" Let us have English merchants, manufacturers, school-masters, doctors and missionaries ; we cannot have too many ; but Englishmen are not made to be landlords and territorial magnates over under-tenants and minor occupants of another race and colour. We do not want planters but landlords".

The Case of the Deposition of the Carnatic Ruling Family

The next important case that Bell took up as champion was that of the dispossessed ruling family of the Carnatic. In October, 1855, the last titular Nawab of the Carnatic, Muhammad Ghaus Khan, died without leaving any son. Lord Dalhousie who was then about to embark for Rangoon on a visit to Lower Burma, recorded, in a minute, his opinion that even the title of the Nawab of the Carnatic which was all that had been left, should not be continued to Prince Azim Jah, the uncle of the deceased Nawab who had been recognised as the heir to the musnud. Prince Azim Jha was the younger brother of Nawab Azam Jah (1820-25) and the son of Azimu'd daula (1801-19) who was a grand-son of Muhammad Ali Wallajah Prince Azim Jah had been the regent for his minor nephew, Ghulam

Muhammad Ghaus (1825-42), and had been given the title of Naib-i-Mukhtar. In 1829, the Court of Directors had expressed their approval of Prince Azim Jah's claim to be the next heir to the musnud in case of the Nawab's demise. In 1843, the Government of Lord Tweeddale caused Prince Azim Jah to be declared to be the first in the list of persons exempted from judicial process, "in consideration of the position he had lately occupied in communication with the British Government and that which he holds in relation to His Highness the Nawab, and to his succession to the musnud". Strangely enough, on the death of Nawab Muhammad Ghaus, Lord Harris, the then Governor of Madras, and Lord Dalhousie, the Governor-General, combined together and took up the startling position that Prince Azim Jah had no right at all to the title of Nawab; and that as the treaty of 1801, by which the throne of the Carnatic was conferred upon the predecessor of the late Nawab, was *purely a personal one*, as the latter had left no male heir and as both he and his family had disreputably abused the dignity of their position and the large share of the public revenue which had been allotted to them, the Court of Directors had been advised to place the title of 'Nawab' in abeyance, but to grant fitting pensions to the several members of the Carnatic family." Three reasons were here assigned as justifying the decision of Government in the minute of the Governor General, 1. the treaty of 1801 was exclusively a personal one; 2. Nawab Muhammad Ghaus had left no male heir; and 3. he and his family had abused their dignity and squandered their revenue. The contention that there was no male heir in the family to the Nawabship, was subsequently withdrawn in Parliament where it was admitted that the Nawab had an heir according to Muhammadan Law, *viz.*, his uncle, Prince Azim Jah. Azim Jah was the heir at law alike by Muhammadan and English codes. But Dalhousie wrote that though allusions might have been made that, if Muhammad Ghaus should have no children, his uncle Azim Jah would be allowed to succeed him, yet "to indicate an expectation or even an intention, is not to recognise or even

confer a right " and that though the words used by Governmen indicated on their part a favourable intention towards him, at that time, " the Government has since had but too much reason to forego all such intentions in favour of himself and of the members of his family."

John Bruce Norton was a member of a most distinguished family which had been connected closely with Madras for several generations and one of the Commissioners appointed to inquire into and report on the evils that existed in the system of Madras Judicature in 1859, the recommendations of which led to the foundation of the Madras High Court. He subsequently became the first Crown Prosecutor of Madras and Advocate-General (1863 1871.) Norton maintained that Nawab Muhammad Ghaus had lived indeed, like many other princes of the land, a life of sensuality and extravagance; but his conduct was never of " a quality approximating to what would justify such a punishment as this ,inflicted on him and his heirs ", and that " indeed we might just as reasonably have refused to allow the heirs of George IV to succeed him on account of his irregular habits and his extravagance." Prince Azim Jah had always lived a life of respectability. He put forward, immediately on his nephew's death, an application for the vacant musnud. The Madras Government was very polite to him and sympathised greatly with the widow of the late Nawab, Khair-un-nissa Begum Sahiba, but warned the Diwan of the Nawabi not to recognise a successor. This action of Government was condemned in the strongest terms, as we saw, by Mr. Norton who was emphatic as to the injustice of the ground on which Lord Dalhousie claimed that the treaty of 1801 between the British Government and the Nawab Azim-ud-daula was " exclusively a personal one " because it was made only with him and not with his " heirs and successors."

Nawab Muhammad Ali Wallajah under whom the British first established their political influence and in alliance with whom they were able to destroy French influence and rivalry and

to establish their own dominance in South India, died in 1795. By the Treaty of Paris, (1763) that ended the Seven Years' War, the Nawab had been assured of his "entire possession of the Carnatic." Sir John Macpherson who later succeeded, for a time, Warren Hastings in the Governor-Generalship, was appointed by the Nawab as his Agent and commissioned to go to England to seek King George's protection as against the Company, which was charged by the latter with having kept from him knowledge of the nature ot the guarantee secured to him by the Treaty of Paris. In 1768 Macpherson approached the English Premier on the matter and was successful in getting a favourable hearing. Sir John Lindsay was then sent by the Home Government to Madras in the double capacity of Naval Commander-in-Chief and Minister Plenipotentiary at the Court of Arcot. King George III's letter to the Nawab Wallajah which was countersigned by Lord Chatham and entrusted to Lindsay, assured the Nawab of his royal protection and friendly assistance and empowered Lindsay to demand a full account of the Company's transactions with the Nawab since the Treaty of Paris. The Madras Council angrily resisted Lindsay's demands; while the Nawab told him that "he was still afraid to avail himself of the protection of the Crown of England against men who might continue to possess that power under the vigour of which he had already so much suffered."

The Directors had, in the meantime, appointed their own Commissioners to inquire into the matter and protested the reasonableness of their attitude aud their desire not to countenance any depreciation or humiliation of the Nawab's dignity and power. The ship which carried the Directors' Commissioners foundered at sea; and nothing more was heard of their instructions. The wide gulf that divided the Directors' protestations from their real attitude is seen in the following quotation taken from their letter, dated 10th April 1770, to the Madras Council: "As to what relates to the Nawab and the conduct which you are to hold in the present parts of India, a great deal must be left to your deci[illegible] on the spot. You have certainly more knowledge than

we, of coming at the true knowledge of the causes, the origin and the tendency of disputes, as on a sudden arise among the powers of India, as of relations of interest in which we stand to them."

In his second letter to the Nawab, dated March 1771, His Majesty King George III was pleased to express his confidence in the Company and his desire to connect them inseparably with that Prince. The Madras Council resented this royal interference which was productive of great embarrassment to itself. Sir Robert Harland, the Commander of the Royal Squadron of ships to the East, who was entrusted by the King with plenipotentiary powers, told them that he was to represent, in the freest manner, to the Governor and the Council at Madras any complaints...... which in his judgment shall be well founded that may be made by the Nawab of Arcot." "Moreover the Nawab wrote to King George, at Harland's instance, and got a much-prized reply in the royal holograph dated 7th April 1772. These, however, could not strength the Nawab in his attitude to the Madras Government which followed its own course unperturbed.

The Nawab had been quickly reduced by the political circumstances of the times into a helpless dependant of the Company which had to provide always a military force for the defence of his dominions and consequently charged the Nawab with the cost of its maintenance. The result of this relation was that after a few years the Nawab came to know that he had bought the security of the throne too dear. His incapacity to pay promptly and punctually his dues to the Company, was worsened by his extravagant habits and his readiness to borrow money from whatever source it was offered. He became more and more steeped in debt both to the Company and to private creditors; and to both he made over large slices of his dominions as securities for his liabilities; while his bonds soon became a marketable commodity, freely bought and sold, "the discount on them falling or rising as the prospects of the Nawab's debts being liquidated became more or less favourable." A variety of persons, both European

and Indian, official and non-official, became interested in the question of his debts which exercised a demoralising influence on the whole of the Madras society and manifested itself in "the vicious system of the management of the whole districts by money-lending creditors."

In 1792, Lord Cornwallis took away by treaty the substance of sovereignty from the Nawab and left him "the comfortable shadow of it in the shape of a pension." Already, in 1785, the Nawab had signed an agreement consenting to pay to the Company sixteen lakhs of pagodas a year on condition that the latter were to be answerable to his private creditors also; and the sum was held to include current charges as well. According to another treaty which he signed two years later, the Nawab agreed to pay nine lakhs of pagodas for protection in time of peace, besides twelve lakhs for his debts. The Nawab also gave up his right of having direct political relations with other states. The Court of Directors raised the sum to be paid in time of peace from nine to elevenlakhs of pagodas. And the Nawab had to agree, after some demur, to this enhancement. When the war with Tippu Sultan broke out in 1790, the Company resolved to take upon themselves the direct management of the Carnatic during the duration of the hostilities. The new treaty of 1792, as noted above, compelled the Nawab to pay to the English nine lakhs of pagodas yearly and to allow them to garrison the Carnatic with their own troops, to collect the tributes of the Poligars and, in the event of war, to take over the entire management of the country, while at the same time, the assignment for the Nawab's debts was reduced. The subsidy fixed by the treaty of 1792 was regularly paid. But the Nawab had to contract heavy loans to meet his liabilities and assigned away the revenues of several districts to liquidate them. He died in 1795 and was followed by his eldest son, Nawab Umdat-ul-umara. Soon after his accession, Lord Hobart, the then Governor of Madras, renewed the attempt to induce the Prince to transfer the entire government of the Carnatic to the Company.

He even planned the seizure of the Tinnevelly district to liquidate those debts which had been transferred from Nawab Wallajah to his son. Sir John Shore, the Governor-General, had indeed authorized Lord Hobart to propose to the new Nawab the assignment of the entire revenue of his kingdom to the Company. Lord Hobart was apprehensive of the influence of the European creditors of the Nawab on this proposal and negotiated, without Shore's knowledge or approval for the surrender of the district. Lord Hobart, however, addressed the Nawab "in terms at once offensive to his deceased father and menacing to himself; by pressing upon him unseasonably the immediate payment of a debt due to the Company and other claims real or disputable, by threatening compulsory measures." Sir John Shore acquiesced in Hobart's proposition, but condemned his conduct as being "repugnant to the Treaty of 1792 by which the Nawab's rights were guaranteed......and as in fact involving a breach of faith." Shore maintained "that the magnitude of an advantage could not warrant the prosecution of it by improper means." He wrote to Dundas, the President of the Board of Control, declaring that the conduct of Lord Hobart towards the Nawab was "most unjustifiable, violent and indefensible upon every principle.

The Directors resolved, in the circumstances, to recall the Governor. But, in 1799, they wrote that, as the Nawab was in the practice of raising money annually, by the assignment of the revenues of those districts which formed the security for the payment of the Company's subsidy, and as this was "contrary to the letter and subversive of the treaty of 1792", the Madras Government should take steps to secure possession "of the whole or any part of the said districts, the revenues of which shall appear to be so assigned." The Nawab made a solemn asseveration, in his letter of the 13th of May 1799, that "not one foot of the districts set apart by the treaty of 1792 had been or then was in any manner of way directl or indirectly, assigned by me or with my knowledge to any indi al whatsoever." The Governor-General was then anxiously co ned for the safety of

the Carnatic, in the event of war with Mysore which was impending. He wrote to the Directors, in January 1800, that the short duration of the war with Tippu had rendered it inexpedient for him to assume the management of the Carnatic and Tanjore as "the immediate effect of such an assumption would have been a considerable failure of actual resources at a period of the utmost exigency." He had already addressed a long letter on the subject to Nawab Umdat-ul-umara who however opposed, with a determination that was striking, any modification of the terms of the Treaty of 1792, and maintained that the treaty had had a trial of over seven years and had been found sufficient for all common purposes and had secured the fulfilment of every stipulated condition with harmony.

In March 1880, when news had reached Calcutta that the Nawab's health was obviously failing, the Governor-General minuted as follows:—"Although the treaty of 1792 was concluded in the name and on the behalf of the Nabob Wallajah and his successors, no obligation of that treaty binds the Company to place or to support on the musnud any individual of the family (if any should be nominated by the reigning Nabob) whose pretensions to the succession may be actually disputed or may appear "questionable". Thus the Governor-General prejudged the legitimacy of the claims of Ali Husain, the son of the Nawab, nay, even his birth. But in his letter to Lord Clive, the Governor of Madras, he conceded that if that supposed son could be made a better instrument for the accomplishment of the British purposes than the son of Amir-ul-umara, brother of the Nawab, then the Madras Government might place him on the vacant throne, previously requiring his consent to the condition that the civil and the military administration of the Carnatic should be entirely surrendered to the Company. Ali Husain had been nominated as his successor by the Nawab Umdat ul-umara; and the Governor General now envisaged the possibility of the legitimacy of the heir being questioned and of there being contending claimants to the throne; and both he and Lord Clive

were contemplating a plan by which they could take away from future Nawab's hands the administration without any open rupture or violent coercion.

Just at that time, a correspondence was discovered, from among the Palace records of Seringapatam, which had passed between Tippu Sultan and his two vakils, Gulam Ali Khan and Ali Reza, who had accompanied his hostage sons to Madras in 1792. The vakils, in their report to their master, had given an account of the attitude of Nawab Muhammad Ali towards the hostage princes of Mysore and towards themselves. Besides the report of the vakils there were some letters of Tippu himself containing a reply to the civil expressions of the Nawab, and commissioning them to procure secret intelligence and at the same time furnishing them with a cypher for carrying it on. The key to to the cypher showed that Wallajah was designated by the term, Well-wisher of Mankind, the English by that of New-comers, the Nizam by the term of *Heech*, (*i.e.*, nothing.) and the Peishwa by the term *Pooch*.

The Commissioners appointed by Lord Wellesley to enquire into this correspondence wrote that the key to this Persian cypher was in a hand-writing which resembled exactly that of the favourite Munshi of Nawab Umdat-ul-umara, who had however died long before these charges were thought of. Mr. Edmonstone's report is said to have established the conclusion that both the Nawab Wallajah and his son, *i.e.*, the present Nawab, had disapproved of the triple alliance between the English, the Marathas and the Nizam which reduced the power of Tippu Sultan in the war of 1792 and that they had stigmatised the Nizam "as having acted contrary to the dictates of religion which required that all true-believers should join in the support of that cause of which......he (*i.e.*, Nawab Wallajah) considered Tippu Sultan the chief pillar." Mr. Edmonstone added that Nawab Wallajah and Tippu Sultan perfectly understood each other; and that as Umdat-ul-umara was the principal channel of

communication between the two, these expressions should be taken as conveying the sentiments of both the father and the son.

The Historian, James Mill, discusses the correspondence at great length and gives the following conclusion:—"Not only does this evidence afford no proof of a criminal correspondence with Tippoo on the part of the Nabob, but the total inability of the English to produce further evidence, with all the records of the Mysore Government in their hands, and all the living agents of it within their absolute power, is proof of the contrary, since it is not credible that criminal correspondence should have existed and not have left more traces of itself."

The Commissioners who enquired into the correspondence were Mr. Webb, Secretary to the Madras Government and Colonel Barry Close. They themselves admitted that their examination of the witnesses, Ali Reza and Ghulam Ali, was not of any avail in strengthening the charges against the Nawab. Both the vakils affirmed that the expressions of good will towards Tippu made use of by Nawab Wallajah and his son, in their hearing, were never understood by them in any other light that that of vague and conventional compliment. Prof. H. H. Wilson, the editor of Mill's History, "who generally agrees to differ with his author on points affecting the justice of the Company's policy in India", admits that "upon the face of the correspondence little appears to convict the Nawab of the Carnatic of actual treachery against the British Government." The report of the Commissioners was forwarded for opinion both to the President of the Board of Control and to the Secret Committee of the Directors.

On 28th of May 1801, Wellesley issued his final orders on the subject. On the 15th of July, the Nawab Umdat-ul Umara died. And on the same day, Lord Harris wrote to the Governor-General that "I shall be prepared, at the expiration of it, to act according to the termination of the Conference, either

by acknowledging the succession of Taj-ul-umara (Ali Hussain) and receiving possession of the Carnatic through the channel of negotiation, or by asserting the right of the Company; and immediately proceeding to exercise the Government of the Carnatic." Messrs. Webb and Close, who were deputed by Lord Clive to confer with the Nawab's officials immediately after his demise, and to urge them to give up the administration of the country, told them that "upon their answer......would absolutely depend either the acknowledgment of the will of Omdat-ul-Omra (appointing Ali Hussain, as his heir) or the necessity of asserting the rights of the Company, by proceeding to exercise the civil and military government of the Carnatic." Taj-ul-umara was supported by two declarations by the members of the Nawab's family stating that he alone had the right of succession as the heir of the deceased Nawab and that his succession was consistent with holy law and established precedents. The impression upon the Governor-General's mind was probably that the right of inheritance, if any such had existed belonged to Azim ud-daula, the son of Amir-ul umara, and the elevation of Taj ul umara would probably disgust the Muhammadans. But from a close study of the records one cannot help coming to the conclusion that the Governor-General took up the rightfulness of the claims of Azim-ud-daula only at a certain stage of the negotations and was prepared to recognise Taj-ul-umara on certain conditions, at an earlier stage. Of course, he had instructed Lord Clive that if Taj-ul umara should refuse to subscribe to the condition within 24 hours after his father's death, he should give Azim-ud-daula the option of the succession, but should not treat with any younger branch of the family of Amir-ul-umara. Azim ud-daula was appointed to the musnud when Taj-ul-umara did not consent to the conditions imposed upon him. Azim-ud-daula agreed to the conditions and a treaty was concluded with him by which the entire civil and military government of the Carnatic was transferred for ever to the Company and the Nawab and his heirs were to preserve their title and dignity and to receive one-

fifth part of the net revenues of the country. Three years after Azim-ud-daula's installation, Lord William Bentinck, now Governor, declared that the British Government, "unwilling to degrade the illustrious house of Arcot, was pleased to establish your Highness upon the throne, reserving to itself the administration of the Civil and Military affairs of the country." Even in the earlier proclamation of July 27, 1801, declaring Azim-ud daula the Nawab, Government said that "it has now resolved to exercise its right and its power, under providence, in supporting and establishing the *hereditary* pretensions of Prince Azim-ud-daula Bahadur."

Nawab Azim-ud-daula died in August 1819 and was followed on the musnud by his eldest son, Azam Jah. The Madras Government wrote to the Government of India that it would have been satisfactory to the family of the Nawab to have been informed whether the Governor-General-in-Council, considered the treaty of 1801 "to have guaranteed the succession to the musnud to his (Azim-ud-daula's) family in the direct and legitimate line of descent to which opinion they themselves had always been inclined as well from the spirit in which the treaty was concluded as the tenor of its profession and also from the terms of the declaration published at that period". According to Sir Charles Aitchison, Nawab Azam Jah was informed that as the treaty of 1801 did not stipulate that the rank and dignity of the Nawab should be hereditary in the family of Azim-ud-daula, his succession depended on the "pleasure of the Supreme Government." The Madras Government recommended that the new Nawab should be called upon to execute some formal instrument rec--ising explicitly its conditions; but the India Government did not consider it necessary to conclude any new engagement with the Nawab. The treaty of 1801 was not renewed at this time; and the installation of Nawab Azam Jah was delayed for a period of six months, because "of the absence from the treaty of 1801 of any stipulation regarding the succession" and the

consequent uncertainty as to the procedure to be followed. Later on, Lord Dalhousie claimed that because the Government of India refused to renew the treaty of 1801 in 1819, therefore that treaty had no existence and its provisions had no binding force since the death of the Nawab Azim-ud-daula, "with whom alone it was concluded and to whom alone it was applicable." Lord Harris, the Governor or Madras at the time of the abolition of the Nawabship, also misinterprets, according to Mr. Bell, the transaction of 1819 and says that the Government of Madras had pointed out to the Government of India in their correspondence of 1819, that "they were not authorised by the treaty to acknowledge any successor." Bell contends that the treaty of 1801 was a public treaty and not a mere personal one. It was a treaty which is *real* according to International Law; and it did not relate exclusively to the persons of the contracting parties and was not terminable either with their death or with their disappearance. The Treaty was made for public objects and therefore valid and binding "for all time to come." He further maintains that, even if it had been personal, it would not have expired because the family of the contracting sovereign was not extinct. Article 2 of that treaty included the recital of the previous treaties of 1787 and 1792; and finally it declared that its main additional provisions were "to supply the defects of all former engagements and to establish the connection between the contracting parties on a permanent basis of security in all times to come." Manifestly, the term, contracting parties, indicates and includes the representatives and continuators of the Wallajah family and of the East India Company "in the past, in the present and in the future," and points to "a permanent alliance and a perpetual succession."

Azam Jah died in November 1825 and after an interval of five weeks, Muhhamd Ghaus Khan, his son, who was then an infant, was proclaimed by the Madras Government as his successor. As already told, the Court of Directors, in their letter of

14th January, 1829, approved of Prince Azim Jah as the next heir "in case of the Nawab's demise." Prince Azim Jah contended that, neither at the time of accession of his nephew nor at any subsequent stage, was there any hint or suggestion dropped by the Madras Government that his succession would not be allowed and would be opposed. He was the successor of his nephew and also the heir to him, according to Muhammadan law and custom. Prince Azim Jah obstinately pressed his claims; and the Administration Report of the Madras Government for the year 1861-62 declared that his claim was "finally rejected." But the Prince continued to press it on the attention of the authorities; and Major Bell who was at that time in Madras, as well as men of his way of thinking, advised the Prince not to look upon this decision as final, nor to abandon or compromise those rights which had been secured to the Wallajah family "by four solemn treaties and ratified by the autograph letters of four British Sovereigns." The Secretary of State, Sir Charles Wood, was again and again pressed to confer the title of Nawab on Azim Jah. The Home Government, when Mr. Vernon Smith was President of the Board of Control, had confirmed the decision arrived at by Lords Harris and Dalhousie. Sir Charles was now told by his official advisers that if he should grant the request, "he would have reversed the decisions of Lord Clive, Lord Wellesley, Lord Dalhousie and Lord Harris and would have entailed on India the mischief of more royal puppets whose ancestral names and dynastic traditions made them often the rallying points of disaffection and treason." Sir Algernon West, Private Secretary to Sir Charles Wood and, later, to the Marquis of Ripon, declared that these appeals were founded on "erroneous grounds and inaccurate statements." John Bruce Norton maintained very boldy that the possibility of disaffection and rebellion in Madras in the crisis of 1857 was greatly lessened by the loyal attitude of Prince Azim Jah. Major Bell corroborates the value of the Prince's loyalty and the services that he rendered in keeping at peace and in

quiet the Mussalman population of Triplicane where the Nawab's family had long settled. Bell goes so far as to say that the considerations for the retention of the Nawabship at that epoch were so urgent and insistent that he concludes :"—I am distinctly of opinion that if there had been no Nawab of the Carnatic, we ought to have invented one. A prince so situated, residing at one of the great centres of our power, with so much to lose and so little to expect from any disturbance, could not be anything but conservative in politics and moderate in religion, and in a time of religious revival or excitement he could be held responsible for the manner in which he made use of his influence."

Sir Charles Wood, while declining to disturb the decision of the Court of Directors, carefully abstained from upholding that decision on its intrinsic merits. Finally owing to increasing pressure, he had to raise Prince Azim Jah's allowance to Rs. 150,000 a year and also to consent to recognise his position as that of the "First Nobleman" of the Carnatic. The title of the Prince of Arcot was conferred on Prince Azim Jah and his descendants in 1887 by the Queen's Letter Patent dated 2nd August 1870; the Prince was given the title of Amir-i-Arcot or Prince of Arcot with succession to his four sons and one grand-son who was to be selected by Her Majesty the Queen. The Prince and his successors in title were exempted from the jurisdiction of the civil courts. The titles and honours and the prepetual portion of the pension assigned to the family should be continued only to a representative in the male line of Prince Azim Jah; but the succession was in the first instance to go to the four sons of Azim Jah in such order as he might fix. It is gratifying to note that, recently, the title of His Highness has been conferred on the Prince of Arcot.

The Abolition of the Tanjore Raj.

The Tanjore Case was considered to be even more opposed to equity than the abolition of the Carnatic musnud. Major Bell does not deal with it at length; but it is necessary for the reader

to notice the place it occupies in the scheme of his ideas. The question of the Tanjore succeesion roused a controversy in respect of incidents which occurred after Lord Dalhousie's retirement and for which his apologist, Sir William Lee Warner, would not hold him officially responsible. Rajah Sivaji succeeded his father, the well known Rajah Serfoji, in 1832 and died without any issue in 1855. He said to have left no son, nor any collateral male heir, but only two daughters and 16 widows. Since 1799, the English had been in charge of the administration of the Kingdom, leaving to the titular Maharajah of Tanjore nothing except the bare possession of the Fort of Tanjore and its immediate vicinity. The Directors enunciated, in their despatch of April 1856, the strange doctrine that " by no law or usage has the daughter of a Hindu Rajah any right of succession to the Raj ; " and also that it was " entirely out of the question that we should create such a right for the sole purpose of perpetuating a titular principality at a great cost to the public revenues." Lord Dalhousie had previously minuted that he was " not dealing in the case of Tanjore with a dependent sovereignty, but with a tributary state left without any lawful successor and therefore a dead sovereignty which had come to a natural end." He declared that it would be unwise to restore it by unusual means, but that the survivors of the ruling family should be treated with great liberality and kindness. He refused to recognise either the senior widow or the survivor of the two daughters of the dead ruler as his successor ; and he confiscated the jaghirs belonging to the mother of the deceased Rajah, and yielding three lakhs of rupees annually to her. Mr. Forbes who was then the Resident at Tanjore, seized most of the Rajah's horses, elephants, carriages, etc.; and they were subsequently sold at Madras by public action. He also seized the landed property of the family, marched a company of sepoys into the precincts of the palace, broke open the Rajah's seal which had been placed on the treasury-chamber and on the rooms containing the valuables and took possession of all the jewels, the private armoury, the

library and the furniture. Mr. J. B. Norton, advocate for the widows of the Raja, has given an eye witness's account of these transactions; and he says that "Forbes the auctioneer is followed up by Philips as salesman; the latter sent up the private armoury of the Rajah to Madras for sale and broke open the doors of the apartments of the zenana." This is the remark that he makes on the entire transaction: "A more indecent indignity has never been prepetrated in the annals of residentship. It is a nice sort of job on which to employ one of the Sudder Judges, the highest appellate Court in the land!" Her Highness Kamakshi Bai, the senior widow of the Rajah, filed a bill in the Supreme Court at Madras for the recovery of the personal and private estates of her late husband and obtained an injunction against the Company to restrain them from parting with the property. Against this decision, the Company appealed to the Privy Council, where Sir Richard Bethel, the Att[illegible] [illegible]eneral, appeared for the Rani. Their Lordships of th[illegible] [illegible]ouncil held that Forbes' seizure of the properties was within the scope of his instructions and as such was an act of state and therefore not questionable in any municipal tribunal. But Lord Kingsdown who delivered the judgment, declared emphatically that the Rajah was "an independent sovereign of territories undoubtedly minute and bound by treaties to a powerful neighbour, which left him practically but little power of free action; but he did not hold his territory, such as it was, as a fief of the British Crown or of the East Indian Company, nor was there any pretence for claiming it on the death of the Rajah without a son by any legal title either as an excheat or a *bona vacante*." The Resid[illegible]nt, Mr. Forbes, had indeed at first reported very strongly in favo[illegible] of maintaining the Raj and placing the younger daughter on [illegible] throne, though here he was no doubt mistaken in law[illegible] pointed out to the Madras Government that the Raj did not become extinct on the death of the Raja without any male issue and quoted instances of women having occupied thrones in the annals of Hindu dynasties; and he also drew attention t[illegible] [illegible]e

case of Sujana Bai who was the sixth in succession in this very dynasty of Tanjore and who succeeded her husband, Baba Sahib, as his widow and on his death without any male heir, "with the universal approbation of the Durbar and the people of the country." He recommended the recognition of the succession of the Raja's second daughter and that, during her minority, the Resident should act as her guardian and conduct the administration with the aid of the Sar-i-Khel and his deputy. The Government wrote to the Company that Mr. Forbes advocated the continuance of the Raj, "on the score of the nature of the connection between the Tanjore family and the Honourable Company and of the manner in which the province passed under the authority of the latter, as also of the benefit redounding to the district from the circulation within it of so large a sum as eleven lakhs, being the average allowance payable to the Rajah—and of the prejudicial effect upon the condition of the province by its sudden withdrawal." They however maintained, in their despatch of 22nd November, 1855, that the treaty of 1799 by which Rajah Serfoji ceded the country of Tanjore, was a purely personal one, although the prior treaty made in 1792 with Rajah Amar Singh was formed "between the contracting parties, their heirs and successors." They also held that the suggestion of the late Rajah made in 1833 on his accession was "an act of grace and favour on the part of the British Government and in no degree a matter of right on the part of the Rajah himself." Sir Henry Montgomery, then a Member of the Madras Council, held however, that the treaty of 1799, though personal in the terms, was a modification of that of 1792 which recognised heirs and successors and that it gave the son of Rajah Serfoji a claim to the succession which Government could not fail to recognise; and that if Rajah Sivaji now deceased, had left a legitimate son or brother, the claim of either to succeed to the musnud could not properly be denied. Thus the Madras Government was unanimous in their interpretation of the force of the Treaty of 1799 and of the validity of the claims under it of any legitimate male

heir of the Rajah, had there been such a person; but they were agreed that, as there was no male heir, there was no legitimate claimant to the Raj which had consequently became extinct and should be so declared.

The Court of Directors denied the daughter any right of succession and avoided any decision on the case of the widow, acting upon the agreed recommendations of Lords Dalhousie and Harris. Mr. Forbes himself, on the occasion of leaving Tanjore for a seat in the Revenue Board at Madras, is said to have written a letter to the Senior Rani, most highly commending her on her conduct during a season of temptation and intrigue. A copy of this letter was later on refused to Mr. Norton by the same Resident who had returned to Tanjore as Commissioner, the Ranee having, in the interim, determined to assert her rights in the courts. Lord Canning decided that the whole property of the ruling family, real and personal, excluding only what could be strictly termed the insignia of royalty, should be restored to the members and only a few state jewels, two state swords and some articles of regalia were to be retained and ... remainder of the property to be restored to Rani Kamakshi Bai as the senior Rani and as the representative of the family. This property was subjected to the participating enjoyment of the junior widows of the late Rajah and subjected also to the Hindu law of succession, under which, on the death of the last surviving widow, it would descend to the surviving daughter of the late Rajah or, failing her, to the next heir if there should ... At the same time the palace was declared to be the property of the British State. But the Raja's family was allowed, as a matter of grace, to occupy it, subject to the supervision and control of the Government. In 1860, when Government sanctioned the arrangements in connection with the settlement of the affairs of the extinct Raj, the number of pensioners sanctioned, and approved, was 4,912, besides 1971 individuals to whom gratuities were granted. The amount to be expended on the monthly pension roll was fixed at Rs. 45,535. ...

Tanjore was in the 18th century the main tribute-paying source of the Nawab of the Carnatic. In 1773, the city of Tanjore was actually seized by the English and the Nawab's troops and the Raja was made a prisoner. For three years the Raj was allowed by the Madras Government to be in Muhammadans hands, till the Court of Directors ordered the restoration of Raja Tuljaji. But a new treaty concluded with the Raja, deprived him of even the small army that he had and compelled him to maintain an English contingent which would counteract other European influences and would, besides, enforce the regular payment of his tribute to the Nawab. The period of the Nawab's direct rule was perhaps one of the worst for the people; and it was speedily followed by the disastrous invasion of Hyder Ali. At the death of that Raja, there arose a disputed succession between his adopted son, Serfoji, and his illegitimate brother, Amar Singh. The latter's intrigue to oust the proper heir led to the visit of the Madras Governor to Tanjore in 1793, when the adoption of Serfoji was declared to be invalid and Amar Singh was ...claimed to be the legal successor of his brother Tuljaji. Serfoji a... the widow of Tuljaji appealed to Lord Cornwallis; and the result was that, in 1798, the English Resident wanted Amar Singh to resign his kingdom for a pension. Amar Singh refused to do so; but he had been loyal to the Company and observed sincerely all his undertakings to it. Serfoji was then declared to be the rightful Raja, largely through the influence of his teacher and ...n, the famous Missionary Swartz. He resigned, by the treaty of 1799, the administration into the hands of the Company and received a pension of one lakh of pagodas and one-fifth of the net revenues of Tanjore. He also resigned all power except in the fort of Tanjore and in the neighbourhood. The transfer of the administration of the Raj to the British might have been a wise and politic measure; but its morality is, indeed, questionable. "The isolated Tanjore Raj had no function or mission in the nineteenth century"; and Serfoji spent his time in the pursuit of culture and made his court the "True Home of Learning and

Art ". As we saw, he died in 1732 and was followed by the last ruler Sivaji. The treaties entered into by the British with Tanjore in 1787, 1792 and 1799 were all legally voluntary agreements between two contracting parties, each equally recognising the other's independence and operating for their mutual advantage. It is pointed out by historians that the English capture of Tanjore in 1773 was not justified by the slightest provocation ; and James Mill, the Historian, condemned this action in the following words :— "Never, I suppose, was the resolution taken to make war upon a lawful sovereign with the view of 'reducing him entirely', that is, stripping him of his dominions, and either putting him and his family to death, or making them pensioners for life, upon a more accomodating principle. We have done the Rajah great injury. We have no intention to do him right. This constitutes a full and sufficient reason for going on to his destruction. Such is the doctrine ; the practical improvement is obvious. Do you wish a good reason for effecting any body's destruction ? First do him an injury sufficiently great, and then if you destroy him, you [illegible] in the law of self-defence, an ample justification" (Vol. II: Book V., Chap. IV.) Again the Company refused to recognise the adoption of Serfoji on the death of Tuljaji. Mr. Dundas, the President of the Board of Control, commenting upon the action of the India Government in declaring Rajah Amar Singh to be the rightful ruler, wrote these memorable words :—" It must be recollected that we are in a great degree the authors of this injus[illegible] It was produced by our interference, contrived through the [illegible] representations and corruptions of the person who is [illegible] reaping the benefit of it; and the rightful heir has a great claim that we should interfere to remedy that injustice which originated in our interference. If after such a lapse of time the native powers were to observe us interfering in order to carry into effect any forfeiture in our own favour, it would afford just cause of reproach ; but in the present instance we would appear in the fair light of honourably repairing that injury which we ourselves

have been the innocent instrument of committing ". In 1855 on the demise of Raja Sivaji, Mr. Forbes rightly pointed out that the Raj was not extinct by the death of the Raja without a male issue and that, even in the history of the Tanjore Maratha Rulers, Sujana Bai had succeeded her husband, Baba Sahib, as his widow when he died without any male heir. He also pointed out other historical instances of the widows of Maratha rulers succeeding to the headship of the state and maintained the succession among Maratha ruling families of a surviving widow or daughter.

Later, when the surviving daughter of Raja Sivaji put forth her claims for her succession to the Tanjore Raj, she appealed to the then Governor-General, Lord Northbrook, and to Lord Hobart, Governor of Madras, saying that when her grand-father, Serfoji, set forth his claims for the musnud of his father and acquired it, it was a Lord Hobart who was Governor of Madras and it was a Baring who was a leading member of the Court of Directors', and "now when the Princess, Serfoji's grand-daughter, presses forward her claims, it is again a Lord Hobart who is Governor of Madras and a Baring, *alias*, Lord Northbrook who is Viceroy and Governor-General;" and so she would get her claims promptly recognised.

When the arrangements were finally made in 1860 for the settlement of the stipendiary allowances to the family and their servants and retainers, the principle was adopted that in the case of males, the allowances were to pass on to their descendants for two generations, with a moiety lapsing on each succession, and in the case of females, they were to descend, with a similar reduction, to one generation only. Pensions and gratuities were granted to the numerous staff of the palace establishment; and in a few special cases, pensions equal to the full former salaries were given. The number of pensioners under this arrangement was 4,912; and the amount of the monthly pension roll was Rs. 45,535.

The Satara Case.

The Satara case was equally in the mind of Major Bell as an illustration of the attitude of the Dalhousie School of politicians towards Indian Princes. Pratap Singh, the ruler of Satara, was deposed in 1839, and his brother Sahuji (or Appa Sahib) was placed on the musnud, while a new treaty, replacing that of 1819, was concluded with the latter. Sir James Carnac, Governor of Bombay, observed on this occasion that neither the deposed Raja nor his brother had any children or was likely to have any and therefore, on the demise of the new Raja, this state would lapse to the British Government, "unless indeed it should then be expedient to allow this line of princes, to be continued by the Hindu custom of adoption, a question which should be left entirely for consideration when the event shall actually occur". The ex-Raja died at Benares in 1849 childless; but he duly and formally adopted a son before his death. Rajah Appa Sahib died in April 1848, after having adopted on his death-bed, as his son and successor, a youth of the Bhonsla family, in the presence of the European Civil Surgeon, the Resident, Mr. Bartle Frere, being away from Satara at the time. Frere wrote at that time that no collateral relative of the family could have rival claims as against the adopted son of either Pratap Singh or Appa Sahib, because all relations believed both the adoptio to be regular. Sir George Clerk, Governor of Bombay, was of the opinion that Government must confirm the adoption that was made by Appa Sahib immediately before his death; but he contended that the adoption required the sanction of the British Government, though, according to the terms of the treaty of 1819, the principality should be secured to the heirs and successors of Pratap Singh and Appa Sahib—the interpretation of heirs being that the term included both heirs by adoption as well as heirs by birth. Mr. J. P. Willoughby, one of the members of the Bombay Council, refuted this view and maintained that there were no heirs at all to the Raj. Willoughby whom Lord Dalhousie thought the *decus columenque rerum* in the Bombay Government, is deemed

y Major Bell to be "the real parent of Annexation which under fostering care grew to such giant proportions and wrought such fearful havoc that the world has quite lost sight of the true original Frankenstein who probably is by no means anxious to claim the credit of his handiwork". Mr. Willoughby carried a majority of the Bombay Council with him against the Governor; and Lord Falkland who succeeded Clerk in the Governorship when the question of the Satara succession was still pending, fell in with the opinion of Willoughby and the majority; while Lord Dalhousie approved of this attitude both on grounds of moral right and political expediency. The Court of Directors adopted, by a majority vote, the view of the Governor-General.

Pratap Singh was a direct descendant of the famous Sivaji. He had been liberated from the custody of the Peishwa after the victory of Ashti won by the British in February 1818, over the latter. Even when he was in custody, the Raja, like his ancestors, had been recognised as the nominal head of the Maratha Empire and his signature and seal had been required for the completion of grants and patents for high offices. All official reports of military operations, confirmations of treaties and declarations of war went forth in the Raja's name; and he continued to be addressed as *Chhatrapati* (*i.e.*, the Sovereign bearing the Royal Canopy) and to be received and announced as the *Hindupat Raja*, (*i.e.*, the King of Hindustan.) Even when the Peishwa, Baji Rao II, after he had concluded the treaty of Bassein with the British Government in 1802 in his own name, discontinued to pay the same respect to his sovereign, he still maintained towards him all the usual old outward forms of respect; and the Raja, to the last day of his connection with Baji Rao II, addressed him personally as his servant and always spoke of him as such. When the Raja was released from the custody of the Peishwa in 1818, the British Government carried into effect the terms of a previous proclamation made to the Maratha people and chiefs, that the Raja, on being released, should be placed at the head of an independent sovereignty, of such an extent as

might maintain him and his family in comfort and dignity. On the 20th of May 1918, the Raja was escorted into Satara by British troops and installed on the throne, in full durbar; while the Governor-General announced, as his motive for the restoration, that he intended to establish among the Marathas, "a counterpoise to the remaining influence of the former Brahmin Government". A treaty was concluded, in September 1819, with Pratap Singh by which the British Government ced[illegible] to the Raja, his heirs and successors, in perpetual sovereignty, certain districts specified in a schedule. This territory was to be held in subordinate co-operation to the British Government, and the Raja was to be guided in all matters by the British Resident at his court. The mother of the Raja was a very intelligent lady and had taken care to have both her sons educated fairly efficiently. The Raja himself displayed always a sense of keen gratitude and fidelity to the British. He also showed much talent and aptitude for administrative business as well as a liberality and zeal for the welfare of his people. After three years from the time of his installation, the entire management of the State was placed in his hands; and the title of the *Political Agent* to whose advice he had been required to submit, was changed to that of *Political Resident*, whose advice was only to be enforced when the Raja's conduct was likely to lead to inconvenience or injustice or to a positive breach of the treaty of 1819. Pratap Singh manifested a deep respect for those who had placed him on the throne and advised him in the early years of his rule; and he rigidly fulfilled the "parting promise" which he gave to Captain Grant Duff, the retiring Political Agent, in 1823, that he would "never depart from the laws established for him by that gentleman and confirmed by the illustrious Mountstuart Elphinstone." The Raja developed Satara into a prosperous town, secured for it an adequate water supply and considerably improved the roads and bridges in his dominion. He received from year to year the lavish praises of the Bombay Government, as well as the compliments of the authorities in London. In 1835, Court of

Directors resolved to present him with a sword as a token of their appreciation and regard and sent him a letter signed by all the members of the Court, complimenting him upon his exemplary discharge of the duties of his elevated station. Before the sword and the letter could reach the Prince, he had incurred the displeasure of the Bombay Government and "engines had been already set at work to effect his ruin."

There had been a disagreement between him and the Bombay Government as early as 1832 about his claim to an absolute control over certain jaghirs. He contended that if any power was competent to deprive him of these jaghirs, sovereignty over which was given to him by the treaty of 1819, the same power was competent to take away from him his entire dominion. The Bombay Government promised to refer his contention to the Home authorities; but at the end of a year he found that no such reference had been made. This greatly affected his peace of mind; and he announced his intention of sending an agent to London to represent his case and to claim the fulfilment of the treaty rights he had been given. This intention to appeal was construed by the Bombay Government into an infraction of the treaty and an "insult" to themselves. They retaliated and rejected the Raja's customary annual present and letter and also withheld from him the Directors' sword and message. Mr. Elphinstone whose word would have settled at once the point at dispute was never requested to advise on the question, though, it was suggested that he might be called upon to do so. Lord Clare the Governor of Bombay at the time, confessed later on that he was wrong and the Raja right. Three successive Residents at the Raja's court, General Robertson, General Briggs and General Lodwick, all expressed their unqualified belief in the entire justice of his claim and held that his right to appeal to the Home authorities by means of his own vakils, was undoubted. But these were of no avail. Charges were preferred against the Raja, firstly, of seeking to corrupt two Indian officers in the ser-

vice of the British Government, secondly, of conspiring with the Portuguese Viceroy of Goa to raise a large body of troops in Europe, bring them to India and thus drive the English for ever out of Hindustan; and lastly, of intriguing with the wretched ex-ruler of Nagpur, who was at that time a fugitive, subsisting on the uncertain bounty of the Raja of Jodhpur. The first charge was investigated by a commission of three English officials; and the president of the commission came to the conclusion that the charge was fabricated by a person who was actuated by revenge and unworthy of any credence. The second was supported only by rascally men whom the Bombay Government had previously pardoned for grave offences; and the only evidence of a written character, obtained on this count was a bundle of Maratha and Portuguese letters alleged to have belonged to two Brahmans who had died ten months before this date and were said to have been the agents of the Raja. Don Manuel, the Viceroy of Goa, declared the Portuguese letters to be utter forgeries and his alleged correspondence with the Raja to be a gross fabrication and falsehood. The third charge was too silly to be believed in. The Raja was not called on for any explanation, nor was he given copies of the charges brought against him. Sir James Rivett Carnac, at one time a Director, was then appointed Governor of Bombay in the place of Sir Robert Grant. As soon as he reached India, Sir James Carnac drew up a memorandum containing an admission of the Raja's guilt and called upon him to sign it. The memorandum required him to pass an act of oblivion with regard to his accusers and to dismiss from his service several persons in whom he reposed great confidence. The Raja replied that he would consent to anything except to abandon his religion or to acknowledge that he had ever been the enemy of the British. He only demanded a fair trial and even offered to relinquish his personal freedom and kingdom.

Several interviews between the Governor and the Raja took place; and in all these the latter refused to subscribe to an admis-

sion of his own guilt. At last the Government of Bombay arrested the Raja and had him taken under escort to Benares where he was ordered to reside under British surveillance. A few days after his exile, the Government placed upon the throne of Satara Appah Sahib, his worthless brother, and presented him with the sword that had been withheld from Pratap Singh, as well as with an amended edition of the accompanying complimentary letter of the Court of Directors.

Appah Sahib ruled for nearly nine years in an impassive manner; and the administration during the time was wholly vested in the Resident, Colonel Ovans, who appointed, as the Minister, a notorious person, Balaji Pant Natu, through whose instrumentality the ruin of Pratap Singh had been effected. A new treaty was now concluded with Appa Sahib which was practically the same as that of 1819 except that the jaghirs were now placed under the direct control of the Bombay Government. For all outward appearances, Satara continued to be governed well; but there were several dark lines in the administration which revealed cases of oppression and tyranny indulged in by the unworthy minister and somehow countenanced by the Resident. There was, indeed, a bold petition presented to the Bombay Government as well as to the Court of Directors against this oppression. But the former dismissed it as unworthy of the slightest credit; and the latter delayed for a considerable time any consideration of it. In April 1848, a few hours before his death, Appa Sahib adopted a son to whom he wished that the Raj should be transmitted. Sir Bartle Frere, the Resident at Satara, and Sir George Clerk, the Governor of Bombay, were both of the opinion that Government should confirm the adoption made by the Raja and allow the adopted son to succeed to the principality. But the members of the Bombay Council and Governor Falkland who succeeded Sir George Clerk, Lord Dalhousie and the Court of Directors were all opposed to the recognition; and Sir John Hobhouse, the President

of the Board of Control, ordered the annexation of the Principality. Mr. John Sullivan tells us in his book, "Remarks on the Affairs of India, 1852," that a majority of the Directors—seeing from the impression that the strong protests of some of their colleagues had made, that a vote was likely to pass in the Court of Proprietors, repudiating the annexation of the state—called for a ballot and the question was accordingly decided, according to their wishes, by the votes of some hundreds of ladies and gentlemen, who knew no more of its merits, than they did of a terra incognita." In a later book of his, entitled "Are We bound by our Treaties? A Plea for the Princes of India: 1853" Sullivan proceeds to observe that the British Government had no right whatever to Satara, as they had ceded it in perpetuity by treaty to Raja Pratap Singh, his heirs and successors; and he urged them to refer the matter to Mr. Elphinstone who made the treaty and to Captain Grant Duff who had been deputed officially to explain it to the first Raja and to Sir George Clerk whose emphatic opinion was that Government had no right whatever to that territory. Sullivan concludes that "the hypocrisy is not the less or the tyranny a jot abated because they are shared amongst many." After all, the anticipated revenue gain that was expected to flow into the treasury from the incorporation of the state did not materialise; and the Directors declared gravely, four years after the annexation, that they were "not prepared to find that the annexation of Satara would prove a drain on the general revenues of India."

Major Bell deals with the case of the annexation of [illegible] in great detail in his letter VI and says that Mr. Willoughby, then a Member of the Bombay Council, was the real author of the whole idea of annexation. Mr. Willoughby first maintained that no one but a lineal descendant of one of the two brothers, Pratap Singh and Appah Sahib, with whom treaties had been concluded had any right to succeed without special permission. The views of Lord Falkland were altogether dependant upon the Bombay

Secretariat of which Mr. Willoughby had been "so long the presiding genius." Mr. Willoughby easily carried Lord Falkland, Lord Dalhousie and the Court of Directors with him. He confidently asserted that the right to a resumption of heirless principalities came down to the British Government from the past and that the whole question should be treated as one of expediency and not one of legality. He maintained in various places in his minutes on the subject, without however adducing any real documentary evidence, that the suzerian power had always enjoyed the undoubted prerogative to refuse to recognise heirs by adoption and actually only quoted the precedent of Colaba, which was no precedent at all. He further held that the state of Satara was gratuitously conferred upon the late Raja and that the treaty of 181[illegible] limited the succession to the descendants of the other contracting party". Major Bell puts forth the points of view ably raised in the dissents recorded by such men as Henry St. George Tucker, John Shepherd, William Melville, Major Oliphant and General Caulfield among the Directors. The Letter of Mr. Bell would show even the casual reader that the annexation could not at all be justified either on the ground of legal right on the part of th[illegible] or even on the ground of political expediency which c[illegible]ways interpreted with such elasticity and twisted to suit directly opposing points of view. His analysis of the whole policy of annexation is that Willoughly was "the real parent of annexation"; and Lord Dalhousie was only "its nursing father." Dalhousie was, even according to his [illegible] effective apologist, Sir Charles Jackson, not waiving rights [illegible] were invented by men like Willoughly and in which he came to believe) which the law gave him. We can close this part with an extract from the Governor-General's minute on the whole question:—"I do not presume to dispute the wisdom of creating the Raj of Sattarah. I conceive that the same reasons do not prevail for its reconstitution now, when it is again placed by events at our disposal.

The Annexation of Jhansi

The Jhansi case is also treated at some length by our author; and he perceives in it the pursuit of the same tactics as those adopted in the previously noticed cases, but in a still more arbitrary manner. He rejects the specious plea of Lord Dalhousie that Jhansi had been erected into a principality by the British Government and was not one of the old independent states of India; and he maintains that Jhansi was not held by a British grant, but by a definite treaty between the British and its ruler made in 1817, which, in its turn, was only a renewal and a confirmation of a treaty of defensive alliance concluded in 1804 when the Subhadar of Jhansi was still under the nominal supremacy of the Peishwa. When that supremacy was transferred to the British Government in 1817, it was made real and definite by the provisions of the treaty. By its terms the possessions of the Subhadar were secured in perpetuity to him, his heirs and successors; and no article or expression in it ever presumed to make a gift or grant to the actual ruler. The Marquis of Hastings who was the Governor-General at the time, distinctly says (in his *Private Journal*; Volume II, page 235) that the Subhadar was the hereditary ruler of his state and had already made that rule hereditary in his family. When that Subhadar died in 1836, he adopted a son; but the boy was not recognised as the rightful successor and was set aside in favour of an uncle. Sir Charles Jackson, the official vindicator of Lord Dalhousie's policy, merely held that the British Government did not make any enquiry into the fact of adoption and treated it as an immaterial circumstance; while the Duke of Argyll boldly maintained that the British Government did not acknowledge the boy as the late Raja's successor. Major Bell contends that the truth of the succession of 1835 had not been truly presented and that there was practically no non-recognition of the adoption by the Government on that occasion. He holds that there was only a disputed succession between four claimants, that the fact

of he adoption alleged to have been made was *denied by* adverse parties and that the adoption, *if valid*, would have entitled the adopted boy to succeed legally to the musnud.

In 1853 when another adoption was made it was not at all doubtful, nor challenged in the slightest degree as irregular or suspicious; also it was officially reported to the British Government by the dying Raja. Thus the Government's refusal to allow the succession of the adopted son in 1853 was not at all on a par with the precedent of 1835, as was asserted by Lord Dalhousie. Sir Charles Jackson maintained that the adopted sons of the Rajas of Satara and Jhansi could not succeed, because the permission of the Paramount Power had not been obtained for their adoption; also there was no other heir to these sovereignties; again, Jhansi was misgoverned by its two Rajas so that its revenues fell from £ 180,000 a year to £ 30,000. He held that if Lord Dalhousie was open to censure for these annexations, it could not be for lapses of territory which were effected by operation of the law; but it must be because he did not waive the rights which the law gave him and did not reconstitute, and in fact recreate, these lapsed and extinct dynasties.

According to Bell, the settlement of the Jhansi succession in 1835 was either right or wrong. If it was right, then there was no real precedent for the action of 1853. If it was wrong, then there was no reason why it should be done again. Jhansi had rendered very good service with its troops and guns at the time of the siege of Bharatpur by Lord Combermere. For that service Lord William Bentinck conferred upon the Subhadar the title of Maharajadhiraj and *Fidwee Badshah Janujah Englistan* (Devoted Servant of the Glorious King of England). The Rani of Jhansi, Lakshmi Bai, whose adopted son was not allowed to succeed in 1853 was characterised by Major Malcolm, the Political Agent, as "bearing a high character and much respected by every one". She protested that her husband's house had ever been faithful to the Government even under circumstances of considerable tempt-

ation and pointed to the terms of the treaty of 1817 which d. not bar succession in accordance with the laws and usages of the country. When she was driven by a sense of revenge into participation in the Mutiny, she behaved in such a manner that by all accounts she was deemed to be the life and soul of a formidable rebel army. Major Bell pathetically ends his Letter on Jhansi with the following sentence :—" Four years had scarcely elapsed since the annexation when she fell in the front of battle, branded with fifty murders". Colonel G. B. Malleson, the historian of the Indian Mutiny, thus records his opinion of the Rani :—" Whatever her faults in British eyes may have been, her countrywomen will ever believe that she was driven by ill-treatment into rebellion; that her cause was a righteous cause; that the treatment she received at the hands of Lord Dalhousie was one of the main causes of disaffection in Bundelkhand and Central India in 1857-8. To them she will always be a heroine". " Was annexation worth such a sacrifice "?, Bell asks; and he could get only one reply, namely, that it was not.

The Mysore Reversion Question

This is a subject which had engaged Major Bell for a considerable time; and in the rendition of Mysore into the hands of its ruler, he clearly saw the only possibility of righting a great wrong done and at the same time of elevating the people and improving the administration of that state. While he praised Lord Canning for his matchless self-control and steadfastness of purpose so signally manifested by him through the horrible days of the Mutiny, for his pacification of Oudh and his maintenance of its ancient baronial institutions and for his extension of [illegible]ilar privileges to the great land-holders of the other provinc[illegible]ell called particular and marked attention to his exception[illegible]t-ment of Mysore and maintained that the Viceroy " appe[illegible] to have deviated from the direct path of justice and go[illegible] to have raised unfounded claims by the novel process [illegible] an

eternal right of conquest and a latent supreme sovereignty and to have launched our government on an aggressive course which cannot be justified or defended, but from which it is difficult to recede". Lord Canning withheld the Sanad of Adoption—that he granted to all other potentates—from the Ruler of Mysore on the ground that he was not in actual possession of his state at the time. He continued to maintain towards the Raja the same adamant attitude, held that the British Government created the state of Mysore in 1799, after the destruction of Tippu's power, from out of its right of conquest and declared emphatically, in his Despatch of March 1862, just on the day previous to his departure for England, that the Marquis of Wellesley had not waived any right of conquest over Mysore, but had "asserted and maintained that right in a three-fold manner"; and he concluded his despatch by saying that "there is no waiving of the rights of conquest and of the supreme sovereignty which it conferred upon the British Government." He asserted that even the personal provision made by the Government for the Maharaja was a personal grant and not a heritable one and that it was not claimable as a right, even by a natural-born heir; and he wrote that "your title to that right is exactly the same as was your title to the authority which you forfeited through misrule." The Raja sent a rejoinder to this alarming statement to the new Viceroy, the Earl of Elgin, in which he fully met and answered every argument put forward by Canning. The Raja had, ever since his deposition in 1831, been urging his claims to restoration; and three successive Governors-General, Lord William Bentinck, Sir Charles Metcalfe and Lord Hardinge, had in reality admitted that his supersession was "inconsiderate, unduly severe and of doubtful legality". Bell shows very clearly that neither the Home Authorities nor the Indian Government ever showed any intention, down to 1847, of permanently retaining the administration of Mysore in British hands. The Director's Despatch of July 1847 gave the Raja his first shock, as it said that the real hindrance to his restoration was the possibility of misgovernment which might ensue if the

country should be placed under his rule again. Subsequently Lord Canning wrote of his intention to carry out this aim, by claiming a lapse for want of natural heirs to the ruler and for lack of the specific sanction of Supreme Power to any adoption which was so destructive a weapon in Dalhousie's hands and which he himself had deprecated and definitely repudiated in his Adoption Despatches of 1860. He was prepared even to deny that the sovereignty of Mysore was hereditary and to maintain that the treaty of 1799 was a mere personal one made only for one life and renewable only at the good pleasure of the British Government and as a matter of grace and favour.

In the course of subsequent events concerning this affair and the ultimate recognition of the Raja's right to adopt that was secured some years later, the labours of Major Bell should and did find an honoured place.

The reconstruction of a contented Mysore restored to its Hindu ruler was planned by Bell with great enthusiasm. He suggested a diminution in the steadily increasing number of Europeans employed in the Mysore Commission, in order that the administration might be handed over to the Raja in a manner in which it could be made the fullest use of by him. The Regulation System came to be introduced in Mysore in the place of the Non-Regulation system in 1862, shortly after Bell penned his letters. He pleaded very warmly for the substitution, in the place of English Superintendents, of educated and trained Indians; but he cautioned that the substitution should be effected only by gradual degrees and in such a manner as would retain all that was good in the existing system; and he pleaded that the Raja, when he should be restored, might be made more of a real ruler than he had been before 1831 when he was said to have misused his power. He suggested the formation of a Council of State to revise the fundamental laws and to control the finances, as well as the passing of such measures as would convert the Raja into a really constitutional and useful monarch. Bell's work

for Mysore and for the restoration of its dynasty will long be remembered, with gratitude "as it was done willingly and in what he described as the conscientious discharge of public duties." After his retirement from service he continued to act as the avowed agent or advocate of the Raja in Britain.

Bell's other work for India.

The other activities of Major Bell in his championship of the cause of the Indian people require some examination in this Introduction. In one place he definitely maintained that the two great pillars that could alone effectively sustain the structure of British dominion in India were (i) a full recognition of the rights of private property, particularly in land; and (ii) a complete separation of the judicial and executive functions in the administration. His complaint was that the English people who have had these principles bred into their bones should have done much less than might have been expected, towards their establishment in India and that they actually did a great deal to unsettle landed tenures which were securely in existence and which could be hardly distinguished from private property. Scarcely less important was his condemnation of the confusion of offices and functions by which revenue and magisterial duties were combined in the same persons and abnormal combinations of offices came to prevail, particularly in the Non-Regulation areas. John Bruce Norton had condemned in very vigorous language the sweeping policy pursued by the Government of absorbing not merely the territory of ruling potentates, but also the possessions and estates of poligars and zamindars, whenever a plausible opportunity of applying the doctrine of escheat had presented itself. He deplored the depletion in the number of the poligars and zamindars, whether it was effected by the thriftlessness of the holders or by the swifter process of the civil courts or by the heavy slow-grinding operation of the revenue department. Bell urged, in equally strong language, that it was bad policy to seek to disturb parties who, although they could produce no evidence to establish legally

their original titles, had nevertheless acquired a right to their holdings by long-continued possession. Shortly after the Mutiny, the Madras Inam Commission began to convert a large number of Inamdars into mere life-pensioners. It was believed at the time that the Bombay Inam Commission which had been functioning with deadly effect, had much to do with the ebullition of a spirit of unrest in Western India by the severity of its proceedings and by the number of the confiscations that it carried out. Bell contended that no government in India, native or foreign, and not even the Muhammadan invaders, ever swept away the tenures so thoroughly and systematically as the British had done. He deplored the conversion of ryots into land-owners under the ryotwari principle that held the Government in its grip and argued that the effect has been chronic ruin and beggary to all classes; and while he admitted that, both in the Madras and Bombay Presidencies, the reduction in assessment in many districts, better communications and increased exports had brought about an extension of cultivation, an accumulation of capital and the rise of a new class of small land-holders from the bottom, they had ruined and rendered hostile the aristocracy of the first class who were deprived of the natural authority, rank and position that they had for long enjoyed. The Bombay Inam Commission had pried into the titles of no less than 35,000 estates, both great and small, in the five years preceding the Mutiny and had confiscated about three-fifths of them. In Madras, Mr. Elliot, the first Member of Council, functioned for a time as the head of a similar tribunal in the Northern Circars; and he was charged by one writer with having "destroyed more ancient families and confiscated more estates than any member of the French National Convention could boast of having ruined in the days of his republican triumph." The result of such a process of the weeding out of the aristocracy and substantial land-holders was envisaged by Bell as the emergence of a society, at one end of which would be the impoverished ryot and at the other end of which would stand an

executive of retired tradesmen of another country, with all middlemen and balancing elements abolished. Bell further deplored the persistent attacks on the *mirasidars*, indulged in at the time by the majority of British officials and the mercantile community. These were, according to him, sure manifestations of the attacks aimed at the sacredness of the private property and carried out most vigorously during the administration of Lord Dalhousie; and the marked vigour of his tone and the force of the ideas that he impresses upon the mind of the reader are best appreciated in the following pregnant sentence:—"With indefeasible rights of private property in land and of transmission by inheritance or will; with a total separation of the office of Judge and Magistrate, from that of Collector and Superintendent of Police, and with Judges placed above temptation by large emoluments, and irremovable except on publicly proved misconduct, any country would be on the certain road to wealth, prosperity and civilisation."

Bell urges in several places that India, in order to become an attached dependency of Great Britain, must be governed for her ow[illegible]ke and that this lesson should have been impressed fo[illegible] all men's minds by the Mutiny. He pointed out the [illegible]y of holding India permanently by means of an army of [illegible]glishmen which, besides being costly, would not be able to serve its purpose, particularly in a crisis. The military charges had, even before the Mutiny, come to constitute more than half the total expenditure of Government; and Bell pertinently asks the implied question whether the theory of maintaining an Indian Empire by means of an Indian Army was entirely wrong historically and politically and whether, if its application had proved premature in the Mutiny, the theory could have been at fault or those who applied it were in the wrong. He had no sympathy with the avowedly Christian and evangelistic leanings of the members of the Lawrence school of administrators who pulled one way. On the other hand, he urged that a most honest and open as

well as a truly Christian way of ruling India was by most carefully and reverently abstaining from any injury or insult to the religious prejudices of the Indian people. He held that the prejudices of caste were far from being irremediably obstructive to progress when wisely dealt with, even in the matter of the internal organisation and discipline of the Indian regiments in the Army; and he exhorted the European missionaries to follow steadfastly the course of preaching the simple Gospel and of abstaining from all attacks on Hinduism. He felt, at the same time, that the Indians had not been sufficiently leavened with the English spirit and that a mere increase in the number of English magistrates, English military officers and English traders and planters would not help in the creation of a sense of confidence in English justice and English freedom, but that a change of heart alone could bring about the required improvement; and this would never come about so long as race distinctions should be maintained in the ranks of the army, as traditions of free and open justice should be absent from the law-courts and the revenue-cutcherries and a spirit of exploitation should animate the British settler in the field of commerce and development of the land.

In the last and concluding letter which he fitly 'ls a Golden Bull, Bell envisages a Plan for the Better Government India. According to this, the British Government should retain, or acquire by exchange all the ports and the entire sea-board of the land and bring them under its direct rule; it should transfer large areas in the interior to dependent princes and revive or create new principalities out of those British possessions that lie at a great distance from the coast. The Imperial Power should continue to undertake the external defence and international relations of the land, while the Princes should be made responsible for internal tranquillity and should be expressly entrusted with the care and protection of rail-roads, under the proper guarantee of necessary capitulations. This change, Bell urges, would not offer the slightest obstruction or discouragement

to British enterprise of any description; and commerce and manufactures, plantation and settlement, missionary and educational efforts could all go on without interruption or damage. These means, the guarantee of free and open trial to every one, a fixed assessment of the land-revenue and the assurance of personal and religious freedom to all the people, would draw the tie of Imperial Supremacy more closely round the country to the mutual benefit of both England and India. This generous plan would make Indian Princes and leaders of opinion more attached to the Government and the mass of the people more loyal to the British power in their hearts. If British good faith and the majesty of the British Throne were to be "vindicated by gracious acts of restoration and restitution, royally decreed and royally performed, and the era of encroachments, annexations and escheat definitely closed," then these suggested reforms would appear in a much more favourable light. Bell also envisaged the formation of an Indian Privy Council which would constitute a firm bulwark to the Throne and serve as an outlet for the energy and spirit of service of the aristocracy. He likewise welcomed the appointment of the scions of the noble houses, after they should have been fitted by proper training and education, to important places in the administrative services, particularly in the magisterial and political departments. Finally he would give us the lesson:—Gain the leaders and the flock will follow.........It is because I wish to extend British influence, that I would contract British possessions. And the reason of this is very simple and easily understood. Whatever tends to facilitate and promote intercourse and harmony between the higher classes of India and the higher classes of Great Britain will tend to assimilate their habits and modes of thought, and to diffuse new ideas and new wants among the mass of the population".

HE EMPIRE IN INDIA

LETTER I

TROSPECTIVE AND PROSPECTIVE

Madras, *April 2nd,* 1861.

It is difficult to speculate freely on the political prospects and possibilities of our Indian Empire, without the danger of incurring the character either of an alarmist or of a pretended prophet. I am no alarmist. I am not alarmed. I do not despair or despond. I certainly do not pretend to the gift of prophecy. But do not let us be content to sit down and to fold our arms, and to think that to-morrow will be like to-day, and to forget the storm and the struggle of yesterday. Many people appear very much to under-estimate the magnitude of the crisis hrough which we passed in 1857-8 [1]and to look upon the great ndian rebellion as an ephemeral convulsion devoid of all moral significance, and conveying no lesson or warning to the Government, but one of increased vigilance and greater military preparations. The "greased cartridge" is too often referred to, as if it had been the real, efficient cause of the mutinies; whereas, it

(1) [Ed.] One set of historians maintain that the Mutiny was a mere military rising. The great Sir John Lawrence, who helped in stamping it out, held that it had its origin in the army and was caused by the 'greased cartridge' affair and by nothing else. He urged a policy of clemency and amnesty of the less guilty (p. 277 of Bosworth Smith's *Life of Lord Lawrence*: Vol. II). Sir James Outram, the Bayard of India, believed that the Mutiny was the result of 'deep-seated causes which were precipitated by the cartridge affair, "before it had been thoroughly organised and before adequate arrangements had been made for making the Mutiny a first step to a popular insurrection." How far the movement was popular is difficult to decide. Disraeli, ...king on the 27th July 1857, said that the mutineers were "not so much ...e av... professional grievances as the exponents of general discontent." The ... *Lost Dominion* maintains that the Mutiny was in no sense a ...xcept in Oudh (p. 47). *British India from Queen Elizabeth to* ...y an Indian Mussalman, avers that if acts of insubordination in ...f the Bengal Army had been promptly nipped in the bud, there ... Indian Mutiny and no Sepoy War; and disarmament had only ...er to have furnished a full remedy (p. 245)

was a mere pretext, and a popular war-cry. The nationa[l] and resentment, the hopes and the projects, which burs[t] in the mutinies, were of much older origin, of much broa[der] deeper meaning, than the exaggerated and fictitious fe[ars for] their religion and their caste, which were insidiously instil[led and] fostered throughout the army and the lower classes.[1]

These points are not sufficiently understood. In many quarters, I have perceived with great dissatisfaction what seems to me to be a strange apathy, a careless and false security; in others, a complete miscalculation of the sources of our strength, and of the elements of political danger.[2]

For example, Mr. George Campbell,[3] now a Judge of the High Court at Calcutta, in a pamphlet, *Our Finances*, published

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(1) [Ed.] A discussion of the various proximate factors that preceded the outbreak of the Mutiny is given in Ch. III of T. R. E. Holmes' *A History of the Indian Mutiny* (1888). The story of the 'greased cartridge' affair is given fully by G. W. Forrest in *Selections from the Letters, Despatches and other State Papers in the Military Department of the Government of India*: Vol. I; Introduction—pp. 1–20. Edward Thompson, in his *The other Side of the Medal* (1925), says that no other episode of first-class importance like the Mutiny has been treated in histories "so uncritically or upon such one-sided and prejudiced evidence", as they have always represented it as a mere military rising, not caring to analyse, much less understand, the Indian point of view (p. 32). He calls the cartridges as a "perfect moral explosive" and quotes Lord Roberts who opined that "incredible disregard of the soldiers' religious prejudices was displayed in the manufacture of these cartridges," and who analysed the causes that brought about the mutiny in Ch. XXX of Vol. 1 of his *Forty-one Years in India* (1897)—See also Sir John Lawrence's letter on the causes of the Mutiny, in the Parliamentary Papers, 1859, *pp.* 833 *et seq.*

(2) [Ed.] Historians have been accustomed to stress upon the superior fighting power and endurance of the British soldier as the chief cause of the suppression of the Mutiny (p. 275 of *British India from Queen Elizabeth to Lord Reading*). A writer wrote that "the power of the Company had proved unshakable by temporal force."

(3) [Ed.] George Campbell (1824-92) was Commissioner of the Ci[s-Su]tlej States at the time of the Mutiny on which he wrote letters to the *Times*, as w[ell as an] offici[al] account for Lord Canning. He became a Judge of the Calcutta Hi[gh Court] and was Lieutenant-Governor of Bengal from 1871 to 1874. H[...] *India* (1852); *The Capital of India*; *Tenure of Land in In[dia]* [...] *Question*, etc; and his *Autobiographical Memoirs* was edite[d by] Sir C. E. Bernard, sometime Chief Commissioner of Burma. [...] great deal of light upon several phases of the Mutiny.

at Lucknow in 1859, appears to derive great confidence from the complete failure of the rebellion. This, I believe, is a very wide-spread notion. He says that "the events of the crisis" have "generated a legitimate contempt" for the natives; that "they made very bad rebels at a time when they had every opportunity;" that there was "an absence of individual energy;" and that "the upper class being altogether deficient," there were "no leaders." "When the whole country was in a flame," says Mr. Campbell, "in consequence of the military mutiny, we have nowhere experienced formidable popular resistance."[1] "The moment the resistance of the mutineers was overcome, we re-entered into possession of our districts, and governed them without difficulty as peacefully as ever."

Mr. Campbell and many others seem to think that a nation displays the full extent of all its good and bad qualities in its first great movement, and must spring in a day to its full strength, or fall to its lowest degradation; that a rebellion must be an inspiration that succeeds, or a folly which collapses at once and

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(1) [Ed.] In his *Autobiographical Memoirs*: Vol. I *pp*. 233, he says:—"On the other hand, among the civil population, our fugitives were generally spared, and often assisted; it was quite the exception when they were murdered." *The London Times* (July, 1857), quoted in *Native Fidelity during the Mutiny*, said: "From all sides we are assured that the general population has exhibited rather goodwill than hostility towards us, and in many cases effectual protection has been afforded to fugitives from Delhi and other scenes of mutiny."

The mutineers had no capable leaders except perhaps the Rani of Jhansi. The bulk of the Indian Princes remained loyal; and two great Indian statesmen, Sir Salar Jang of Hyderabad and Sir Dinkar Rao of Gwalior, rendered invaluable services. The Prime Minister of Nepal, Jang Bahadur, actively and directly helped in the suppression of the Mutiny. Mr. Ross Mangles, Chairman of the Court of Directors, said that the universal good conduct of the Zamindars formed a distinctive feature of the Revolution. W. H. Russell, Special Correspondent of the *Times*, (1857-58), gives in his book, *My Diary in India*, instances of striking courage and fidelity on the part of the common people. See also Chap. III (Neutral or Countervailing Influences) in McLeod Innes's *The Sepoy Revolt, a Critical Narrative*. This author says that the revolt was characterised by murders, but rarely by worse atrocities, though it is only to the latter that the attention of the public has been generally drawn. "But it is more pleasant to remember the facts that tell the other way—the equally numerous cases in which English lives were saved by the active help of the native chiefs and people."—pp. 294-5.

for ever. It would be more properly considered as an art to be learned ; and, for a first attempt; 1857 was no trifle, worthy alon of "legitimate contempt." It deserves to be carefully studied in all its wickedness, in all its weakness, its madness and horror in the destruction of the rebels and in our triumph, there lie lessons of awful import if we only choose to read them.[1] There never yet was a rebellion, since the world began, that did not bring a lesson and a warning to the ruler, to be neglected and despised at his peril.

The theory which pretends to measure the physical and mental capabilities of the races of India by the events of 1857 contradicts all history. A people brought up in slavery and superstition, its old hierarchy of chieftains and classes broken down, and replaced by no new organisation, bewildered and maddened by unaccustomed and unexpected opportunities of action, was unable immediately to turn them to good account, to make great and deliberate sacrifices, to recognise and choose

(1) [Ed.] Lord Roberts, in the course of his *Letters Written during the Indian Mutiny*, frequently mentions the blowing up of victims from guns, drum-head courts-martial being the order in every station, and a brutal extermination of rebels. General Nicholson recommended the flaying alive, impalement and burning of the murderers of English women and children. Russell, above quoted, wrote: "All these kinds of vindictive, un-Christian, Indian torture, such as sewing Mahomedans in pig-skins, smearing them with pork-fat before execution, and burning their bodies, and forcing Hindus to defile themselves, are disgraceful and ultimately recoil on ourselves" (*Diary*, Vol II. p-43). Delane, of the *Times*, attributed the cessation of indiscriminate execution to Russell's first letter from Cawnpore. The execution by Cooper, who was the Deputy-Commissioner of Amritsar, of a number of unarmed prisoners and his suffocating, though unconsciously, a number of prisoners, by shutting them up in a bastion, strike horror in the mind of any one who reads his own narrative of the transaction, entitled *The Crisis in the Punjab*. Robert Montgomery, who succeeded John Lawrence as the Lieutenant-Governor of the Punjab, declared Cooper's action to be a "feather in his cap" and congratulated Hodson for slaying the ex-Mughal King's sons in cold blood. Even Holmes has to write that the people of Delhi had "to expiate many times over" the crimes of the mutineers. Harmless citizens were shot, clasping their hands for mercy. Trembling old men were cut down" (p 391). Campbell wrote that "Neill did things almost more than the massacre, putting to death with deliberate torture, in a way that has never been proved against the natives." (*Memoirs* Vol. I. p. 280)

efficient leaders, and to submit loyally to their command,—in short, was incapable of effecting one of those majestic national movements of which the nations of Europe were incapable, until within the last two hundred years. But, because the plans of the rebels were clumsy and ill-concerted, their behaviour in the field generally timid and irresolute, and their conduct to prisoners bloody, brutal and cruel, we are not therefore to conclude that there is any incurable defect in the Asiatic character, and that it contains none of the noble elements of human nature. To do so, would be to deny that Asiatics are men, and to deny, in defiance of historical facts, that European rebels have disgraced themselves and their cause by acts of horrible cruelty.

France and Italy have no great reason to boast of the Jacquerie or the Sicilian Vespers;[1] yet they have done great things since those days. The atrocities committed by Wallace against enemies of the same religion and of cognate race, far surpass those of Cawnpore and Jhansi; yet even the Scotland of that barbarous time is no object of "legitimate contempt." Wat Tyler and Jack Cade were poor precursors and prototypes of Hampden and Cromwell.[2]

In the survey of India's growing strength and consciousness, and of our prospective difficulties, we must not omit to estimate the invisible and silent effects of political experience, and the

(1) [Ed.] The Rising of the French Peasantry of 1357-58 (from Jacques, James, peasant): The Sicilian Vespers-massacre of French residents in Sicily in 1282, begun at the stroke of the vesper bell.

(2) It is only with a painful moral effort that one can dwell with cool and deliberate judgment on this subject; but it is highly necessary to call attention to the fact that there is not anything peculiarly Asiatic in the *authentic* horrors of Delhi and Cawnpore. In the outbreak of an exasperated people, and especially where a marked distinction of race adds rancour and terror to the feelings of the insurgents, extermination is always their plan. It was so during the Greek uprising of 1821, when upwards of twenty thousand Turks, a peaceful agricultural population,—men, woman, and children,—were murdered in cold blood, "as a necessary measure of wise policy," according to the Hetairists, "because the Turkish population in Greece was small, and could not be renewed." Finlay's *Greek Revolution*: Vol. 1 pp. 172, 182, 187, 188.

patient remonstrances of a nation's foremost men. "Serving and suffering," says Bishop Hall, "are the best tutors to Government." Nor must we overlook the startling results that are produced, when the hour has arrived, and a man of genius makes his appearance upon the scene. A mere military despotism—should we ever be tempted to resort to one as an escape from political agitation,—or even a much longer continuance in the exclusion of natives from all share in the Government, and from all the higher branches of administration, may soon drive all the moral and mental energy of the Hindoo race into hopeless and incurable hostility.

The great want of the rebels in 1857 was a leader of commanding ability and recognised position, with his own material resources, his own basis and centre of operations, and a distinct and intelligible cause of his own, a leader whom they could obey and trust, who would relieve them of individual responsibility, and make them feel as if the law was on their side. Not a single native prince of any importance saw his way to taking part in the movement.[1] But this may not always be the case. We may be very sure that the next rebellion—if we are to have one—will not break out exactly as the last one did.

What if the game of Victor Emmanuel and Garibaldi in Italy,—which will probably be imitated by some German prince or leader before many years are over,—should be repeated in India at our expense, with assistance from some great rival power, with all continental Europe, all America and half England sympathising with the rebels and the invaders, until Bombay and Calcutta became our Rome and Venice! It may be ten, or it may be a hundred years before our quiet is disturbed; but

(1) [Ed.] The only participants in the Mutiny were the Nana Sahib, the Rani of Jhansi and the Begum of Oudh, a wife of the deposed Nawab Vizier, all of whom were under the influence of real or imaginary wrongs, the Maulvi of Fyzabad, Raja Kunwar Singh, Tantia Topi and Prince Firuz Shah of Delhi. Of all these the Rani and Tantia Topi alone possessed real ability; and the latter was not a soldier at heart. The Sikh, Punjabi and Gurkha soldiers held aloof. The Mutiny was confined to the Bengal Army—See McLeod Innes—*pp*. 118-122.

events move rapidly in this nineteenth century; and if we follow the despot's example, we deserve and can expect no other but the despot's fate. We do not deserve it yet; we are not perceptibly moving in that direction; but unless we steadily set our faces in the opposite quarter, unless we determine to govern India on English principles, is there not some danger that we shall in a few years be driven by some antagonistic outburst to resort to Austrian devices and mere coercion? The educated natives are learning every day to contend with our weapons, the platform and the press, and if we do not enlist them on our side, we shall soon have them arrayed against us.

But it may perhaps be said that at least Christian principles and Christian faith, when spread abroad among the people, as the promises of the Gospel compel us to believe they will be in the fulness of time, would preserve the Empire from such terrible convulsions as that of 1857. ny pe. ich for instance as Sir Herbert Edwardes[1] and ...bury,[2] place their greatest hope and reliance upon the suc.ess of Missionary exertions, and regard proselytism not only as a Christian duty, but as the most powerful of political engines. The *Friend of India*[3] has constantly written as if every native Christian was necessarily a soldier or an advocate of our Government. I have extracted the following sentence from the *Friend* of the 28th March "The Government of India has never yet awoke to the fact Christianity is the only means of consolidating our pow..

(1) [Ed.] Major-General Sir Herbert Edwardes (1819–1868), was A. D. C. to the Commander-in-Chief in the Frst Sikh War and later distinguished himself in the war against Diwan Mulraj. He was Commissioner of Peshawar (1853–9) and helped in concluding treaties of friendship with the Amir of Kabul. He advocated zealously the adoption of a more active Christianising policy by the Government and took much interest in mission work. Ruskin loved Edwardes dearly and left his impressions of him in a 'Knight's Quest."

(2) [Ed.] He secured in the days of industrial reform the passage of the Mines Act and the famous Ten Hours Bill for factories—see Hammond's *Shaftesbury*.

(3) [Ed.] *The Friend of India*, a quarterly run by the Serampore Missionaries, later changed into a weekly by J. C. Marshman who conducted it from 1835 to 1875.

India. With *that* our military expenditure may be reduced to five millions" [1]

This is a confidence I have never been able to share. I have never been able to perceive that it rests upon any foundation, or is supported by any reasoning whatever. Speaking simply as a conservative politician, I should look with as much anxiety and alarm upon a Christian, as upon a Sikh or a Mahomedan religious movement. I consider a rebellion or a revolution to be the certain and inevitable consequence of a national reformation or revival. A great thinker has observed:—

" All the epoch-forming revolutions of the Christian world, the revolution of religion and with them the civil, social, and domestic habits of the nations concerned, have coincided with the rise and fall of metaphysical systems. So few are the minds that really govern the machine of society, and so incomparably more numerous and important are the indirect consequences of things than their foreseen and direct effects." [2]

It is true that the Moslems of India are bound by their religious principles to wage war against infidels ; it is true that Hindoos dislike outcasts and 'mlechas,' and feel that their caste system and ceremonial cannot flourish under our rule : it is true, on the other hand, that St. Peter says :—"Submit ourselves to every ordinance of man for the Lord's sake,—fear God and honour the king ;" and St. Paul teaches that " every soul should be subject unto the higher powers," and "that the powers that be are ordained of God." But surely we do not find, either from history or from contemporary experience, that these texts have ever restrained Europeans from opposition or rebellion, when a good cause and a good opportunity appeared ;

(1) The following extract from an article in the *Guardian*, August 5th. 1863, will also testify to the prevalence of this opinion :—" Our Government of India will never be secure until we can convert the people of India : Till then we must be content to walk *" per ignes suppositas cineri doloso."*

(2) S. T. Coleridge : Statesman's Manual, a Lay Sermon.

and for my part I doubt very much their efficacy in Asia. The time has gone by for our missionaries to preach passive obedience, though they might and would have done so three centuries ago. Indeed I had always thought that it was the proudest boast of Christianity to have raised mankind, wherever its precepts have penetrated, from a state of brutal submission and slavish indifference, to the capacity of self-rule and to the consciousness of individual dignity. Are we then to dread or to deprecate the propagation of Christianity ?[1] Certainly not. It is our duty not to do evil that good may come; and it is equally our duty not to omit to do good from a fear lest evil should come, or rather lest what we in our selfish blindness *suppose* to be evil, should come.

The world will not stand still. During that process of social development and intellectual expansion, of which the English supremacy has been the chief source and agent, India must pass through that period of throes and paroxysms which we have witnessed, or are witnessing, in Europe, Arabia, and China. This last country, the hackneyed type and illustration of stationary and immovable conservatism, is now agitated by a religious and social revolution, the consequences of which are incalculable. We cannot tell how it may come or commence—as

(1) [Ed.] For long the Company's Government had such phrases as "Dry Nurse to Vishnu" and "Churchwarden of Juggernaut" applied to them. Lord Auckland and Lord Ellenborough were anxious not to do any act that might be interpreted as a "Christian gesture." Lawrence (John) and Outram attributed the Mutiny to Missionary influence. A fear that the religions of the country and social usage based thereon were being attacked was, as stated by Lord Canning in his report and by Disraeli in the House of Commons, among the causes of the revolt. After the Mutiny, the Government was freed from nervous scruples about its association with the Christian faith and offered a fair field and necessary protection for mission work. The Queen's Proclamation of 1858 was that, "firmly relying on the truth of Christianity and acknowledging with gratitude the solace of religion," the Queen disclaimed "the right and desire to impose our convictions on any of our subjects." Not neutrality, but toleration became the watch-word of Government. Keshub Chunder Sen, in a lecture in 1866, said that, "if any army holds India for England, it is the army of Christian Missionaries." (see *chh.* xi, xiv & xv of A. Mayhew's *Christianity and the Government of India* (1929); and Part II of Baptist W. Noel's *England and India* (1859)

a revolution in some native state as a new faith, as a Wahabee,[1] a Sikh, or a Christian reformation,—or as a reverberation from Java, when the Dutch forcing-pump explodes,[2]—we cannot tell when it will come,—in ten years or in a century,—but come it will; the stimulus has been given; the ferment has been introduced; the inorganic mass has become vascular and sensitive. It remains for us to decide whether we will be prepared for it or not when it does come; whether we will comprehend, co-operate and guide, or strike and struggle blindly.

A candid exposition of native feeling and an occasional discussion of native claims would be of the greatest advantage and assistance to our rulers.[3] The centralised despotisms of Europe are worshipped by officials, because the views and

(1) [Ed.] A set of Muhammadan puritans following the letter of the Koran, founded by Abad-el-Wahhab (*C.* 1700).

(2) Sooner or later it will assuredly explode. The Javanese are Mahomedans, and there is a considerable annual pilgrimage to Mecca, whence they pick up some knowledge of the world and recruit their faith and pride. They have also some intercourse with India. Java was much agitated by the news of the rebellion of 1857, and revolts broke out in the adjacent island of Celebes and in the Province of Banjermassing; some Europeans were massacred and extensive military operations were required to suppress the disturbance. The atrocious Dutch system for sucking a country dry, and proscribing all its intellectual life, is sufficiently exposed, for those who can read *through* a book, in Mr. J. W. B. Money's panegyric, *How to Govern a Colony*; but it has been thoroughly described and denounced by Van Hoevell, an eminent Dutch official, long resident in Java. The finances of Holland are so completely dependent on Java, from which it now derives a net annual revenue, applicable to home purposes, of three and a half millions sterling, its debt is so large and its military strength so small, that a really formidable rebellion in its eastern possessions would have most ruinous consequences.

[Ed.] *Colonial Policy* by Dr. A. D. A. De kat Angelino [abridged translation by G. J. Renier : Martinus Nijhoff, The Hague] declares that, early in the history of Dutch rule in the East Indies, notions of good government could be traced among the Dutch Company's agents into whose minds the idea of good government began gradually to work its way, perhaps a little later than in the case of India.

(3) [Ed.] Sir Thomas Munro pointed out how very little the English knew really of the feelings of the Indians. John Bruce Norton [in his book: *The Rebellion in India; How to Prevent Another*: 1857] questioned whether time had given any deeper insight, and wrote that "the line of separation between the European and the Native is far more marked now than formerly." (p. 7.)

commands of the Sovereign and his Ministers are in ordinary times carried out with promptness and effect; but we know how liable they are to tremendous convulsions, because they trust to physical force, and ignore and disregard the feelings of the middle class, the educated minority, the living and active elements of the nation. But what should we think of a Government which habitually ignores and disregards the views and feelings of an overwhelming majority! Has not the British Government of India sometimes fallen into that danger? Nothing could so effectually avert that danger, nothing would invigorate the Government so much, as a real working opposition both within and without the Council Chamber; it would at once enlighten and enliven the proceedings of the Council, add force and currency to its enactments, and give weight to the decisions of the Executive Government.[1]

We have done a great deal for the people of India. They were blind, we have taught them to see; they were unthinking and unconscious, we have taught them to be conscious and observant; they were accustomed only to a Government of force and arbitrary caprice, which renders a whole people dependent upon the personal disposition of the Monarch,—we have shown them a Government of law and order, of rights and principles. We cannot stop here; we must allow them to touch, to handle, to taste and to enjoy, all those

(1) [Ed.] The Legislative Council of the Governor-General, as created by the Charter Act of 1853, contained only Englishmen, though Dalhousie had written on 21st March, 1753, to Sir Charles Wood as follows :—"Indeed, amid the general unfitness, there are already some Native gentlemen, whose intellectual qualities, whose experience of our Government and whose extensive and minute knowledge of Indian details, would render any one of them a very valuable member of the Legislative Council. For my part, I should be personally glad to see such a gentleman appointed at once under the new Act." When Parliament did not give the right of appointing an Indian to the Council, Dalhousie nominated Babu Prosonna Kumar Tagore to be Clerk-Assistant of the Council, informing Wood, on the 18th of July 1854, that "he was a man of ability, learning, wealth and influence. He is brother of Dwarkanath Tagore and has much weight here." Lee-Warner's *The Life of the Marquess of Dalhousie*—Vol. II. p. 282.

glorious fruits of British civilisation which we have taught them to understand and to appreciate. We cannot give and withhold at the same time. We must continue to show the way in reform and reconstruction ; we must always confer and never concede : so long as the British Government keeps moderately in advance of native opinion and native capacity, it will preserve the moral support of the influential classes, without which peace and good order will for ever be precarious, and physical force will be a doubtful and discreditable safeguard.

The people of India have not yet come to that stage of social and political development when a nation can plan its own progress, and intelligently demand reforms and franchises from its rulers. They are only beginning to be conscious of a collective life ; and the most advanced and enlightened among them are politically children ; they can barely articulate, and have not acquired the rudiments of national strength and action. They can only *feel* at present ; they are in the imitative stage ; they are pupils and recipients ; the British Government and people must take upon themselves all the responsibility, and will gain all the loyalty and popularity that arise from freely granted enfranchisement. Our Government will be able within the next ten years to wield all the powers, and to rally all the forces, at once of the Dictator and of the Tribune. But if it neglects to take the lead, we cannot expect the country to remain much longer quiescent. On the other hand, until public confidence is restored, more especially in the native states, until a general belief in its good will and good faith is re-established, the lead of the British Government will not be followed ; its reforms and innovations,—perfected, projected and rumoured,—will be regarded with dislike and distrust. Our moral influence, which never attained the revolutionary strength that is required, was shattered to pieces by Lord Dalhousie's iniquitous greediness, and will never be revived by any quantity or any quality of red tape, monthly

s, andspinnual reports.[1] When the living soul is wanting, th's super and regularity of functions affords but little hope. T breat of foRoyalty must put a soul into the Empire of India, will sle, anecome possessed of a devil.

At p the popular choice by universal suffrage, in a. ost eve Britivince of India, would probably give an overwhelming n cases hn favour of a native prince, as against our administrat. is bouut, for my part, I am no advocate for counting heads; I have no respect for an ignorant and impulsive cry, when opposed to the real superiority of the power and knowledge, of the principles, objects and motives of an established Government such as ours. But I should not fear to trust even to the popular choice, if the people had once learned to believe in the existence of a Sovereign, and had felt the genial influence of royal magnanimity.[3] How can they be loyal to the destroyer of their princes? How can they be loyal to the beadle and the bailiff?

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(1) [Ed.] Edwin Arnold in his work, *Dalhousie's Administration of British India*: Vol. II (1865), says that the Mutiny cost him half his reputation and half his labour, while the pendulum of policy had swung away from the vast design of his mind, in the impetus of alarm caused by the rebellion. He writes: "We are all for native states nowadays and very delicate about the rights of Rajahs and the advantages of an aristocracy." (pp. 387–8).

(2) [Ed.] When Bishop Heber, who lived a generation before the Mutiny, asked an intelligent Indian if he would wish to become subject to British rule, the reply was; "Of all misfortunes keep me from that." See p. 7 of Norton's *The Rebellion in India: How to Prevent Another* (1857).

(3) [Ed.] The assumption of the Government of India by the Crown was to serve, in the eyes of Indian subjects and princes, to replace the impersonal power of an administrative abstraction by the direct personal authority of a human ruler. The assumption of the title of Empress of India by the Queen in the Delhi Assemblage of 1877, was a measure which was thoroughly congenial to all the traditional sentiments of the people and the aristocracy.

LETTER II

LORD DALHOUSIE

Madras, *June 28th*, 1861.

LORD DALHOUSIE'S death was a public misfortune.[1] It deprived us of that personal advocacy of his own cause, that defence and explanation of his peculiar policy, the absence of which causes every criticism and every attack to appear one-sided, and leads the disengaged inquirer to suspend his judgment in expectation of the reserved rejoinder. It deprives us also of the great moral lesson that would in a few years have been gathered from the spectacle of a great nobleman loaded with all the honours that the Sovereign can confer, enjoying the accumulated wealth of an eight years' Viceroyalty, besides an immense annuity, occupying as master one of the national palaces, and yet living to see and to feel his labours nullified and his plans annihilated by wholesale revision and reversal, his titles and dignities tarnished and vulgarised, his wealth turned into a shame and a reproach, every memory embittered and every thought of posterity poisoned, by the unanimous censure of two nations. I do most sincerely regret—and I trust the regret is not uncharitable—that Lord Dalhousie could not have lived a few years more to witness the definitive downfall of his once great reputation.[2]

(1) [Ed.] After his retirement from India (February 29, 1856), he held no office, but that of the Lord Warden of the Cinque Ports. He died on December 19, 1860.

(2) [Ed.] According to his later champions, Sir W. W. Hunter and Sir W. Lee-Warner, he was not to be blamed for the outbreak of the Mutiny which was unjustly attributed to his alleged policy in respect of annexation, neglect of military matters and the reduced strength of the English army in India. He suffered from ill-health during the latter years of his stay in India and was too ill, after his retirement, to defend his policy, while the English Government failed to support

It is one of the most hopeful omens for our Indian Empire, that the downfall of that once great reputation is so manifestly approaching. Lord Stanley has unequivocally condemned the annexation policy, and attributed the rebellion in a great measure to the bad spirit which that policy created. Sir Charles Wood has characterised Lord Dalhousie's views on the treatment of Tippoo's family as "most impolitic, harsh, and unjust;" the *Saturday Review*, usually cool, moderate and guarded in its remarks on Indian affairs, declares those same views to have been "shabby and pettifogging." No one in England would have so spoken of Lord Dalhousie three years ago; and most certainly the change in public opinion has not been caused by the noble Lord's lamented death. That change has been slowly but surely preparing ever since the events of 1857 were seen to contradict completely his allegations as to the weakness and hostility and uselessness to the Empire of the native States; and has been lately accelerated by the practical condemnation involved in the Adoption despatches of Lord Canning and Sir Charles Wood, and in the sentence of extinction passed in the Bombay Inam Commision.[1]

Lord Dalhousie's greatest iniquities did not even last his time. He survived his retirement but four years, yet he lived to see his boasted acquisitions scattered and dissipated, his

(1) Immediately, after the final fall of Lucknow, Lord Canning issued a proclamation to the people of Oudh, qualifying the confiscation of all proprietary rights in the land. Even this was criticised as too severe by Lord Ellenborough, the President of the Board of Control. Within 18 months of this proclamation, Canning held a darbar at Lucknow (October, 1859) at which he conferred on the Talukdars a permanent and hereditary title in the estates which had been restored to them. Subsequent darbars were held at Cawnpore, Fategarh and Agra, in November and December. At Cawnpore, the Viceroy announced the Government's recognition of properly authenticated adoptions on the failure of natural heirs, as applying to sovereign rights as well as to personal property. A month later, the same concession was given at Agra in the presence of many of the greater Princes including the Sindhia. At a darbar at Ambala, for the Cis-Satlej Sikh states, Canning announced the grant to them of the right of adopting male heirs in default of legitimate issue, a right which they had not enjoyed previously. The Bombay Inam Commission was appointed in 1852 to investigate and adjust cases of land held rent-free without authority.

most confident anticipations ridiculously falsified, his most peremptory mandates reversed and condemned.

One by one, slowly but surely, the imposing material results of his eight years' Viceroyalty, so pompously recapitulated in the farewell Minute of February 1856, are melting away like snow beneath the warmth of the conservative and restorative reaction which has naturally followed this destructive and rapacious policy.

He boasted of having added four millions to the annual revenue; but it has been proved that during his time the expenditure increased much more rapidly than the income; while the last four years' accounts show an average annual deficit of ten millions, surpassing the disastrous wonders even of Austrian finance.

In the recently published Adoption despatch, Lord Canning with scarcely concealed irony indicates his condemnation of the refusal to recognise the lawful heirs of the Rajahs of Satara and Jhansi.[1] The injustice of the annexation of Nagpore has been

(1) [Ed.] The Governor of Bombay wrote a strong minute in favour of the recognition of the adopted son of the Raja of Satara. Mr. Willoughby (later Sir John), Member of Council and subsequently a Director, asserted the Company's right to veto the adoption. Mr. Holt Mackenzie, a great authority, showed the fallacy of this opinion. But Lord Dalhousie was convinced that Willoughby's reasoning was conclusive; and he decided against the succession. In the Court of Directors Mr. H. St. George Tucker, Mr. Shepherd, Major Oliphant, Mr. Melville and General Caulfield wrote separate minutes in which they showed the untenability of the legal plea of a power of confirmation as lord paramount and also deprecated the annexation on the score of expediency asserted by Lord Dalhousie. Mr. Mangles minuted in favour of annexation and was supported by nine other Directors. Sir George Clerk, Governor of Bombay, testified to the excellence of the Raja's rule; he was told by Lord Dalhousie that "if the excellence of his Government proceeded only from the excellence of his own disposition, I find in that fact no argument for the continuance of his sovereignty to others." Sir George Clerk wrote that "we should look for escheats not from such a source as the doubtful meaning of the stipulations of an agreement, but from the incorrigible misconduct of allies." To this the Governor-General made no reply.

According to Arnold, in the case of the annexation of Jhansi, the Hindu law of adoption was defied more unwarrantably, perhaps, than at Satara. The article (2) to which Gangadhara Rao of Jhansi referred, in his adoption of an heir, guaranteed the right of succession to the Jhansi house in perpetuity, either by direct heirs of the

tually acknowledged by the concession of the name of Bhonsla, title of Rajah, the old family estates, and a large stipend our late ally's grand-nephew and heir, whom Lord Dalhousie ught to extinguish by designating him "a Mahratta youth," "a stranger,"—and "somebody else."

The highest legal authority in England, the Judicial Committee of Privy Council, emphatically denounced the Tanjore spoliation,[1] and there is good reason to believe that the final settlement of the case, now so near at hand, will constitute a de unciation still more emphatic.

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boc or by collateral or nominated successors in general. Dalhousie ignored not the clear and complete action of adoption by the late Maharajah, but also the of a widow, in default of adoption by her late husband, to pt a son, in e. (Arnold, Vol. II. pp. 149-150).

Kamakshi Bai, the senior widow of the Rajah of Tanjore, filed a bill in the Sup Court of Madras to recover possession of her deceased husband's private prop ty, which had been sequestrated by the local Government. The Court decided in her favour. The Government of Madras carried the case in appeal before the Judicial Committee of the Privy Council. The decree of the Supreme Court o Madras was reversed, because the Lords of the Privy Council held that the seizure was "an act of State," and therefore not questionable in any Municipal Court. But Lord Kingsdown who delivered the judgment, made use of the following emphatic language :—

"It is extremely difficult to discover in these papers any ground of legal right, on the part of the East India Company, or of the Crown of Great Britain, to the possession of this Raj, or of any part of the property of the Rajah on his death; and indeed the seizure was denounced by the Attorney-General (who, from circumstances explained to us at the hearing, appeared as Counsel for the Respondents, and not in his official character for the Appellants), as a most violent and unjustifiable measure. The Rajah was an independent sovereign of territories undoubtedly minute, and bound by treaties to a powerful neighbour which left him, practically, little power of free action: but he did not hold his territory, such as it was, as a fief of the British Crown or of the East India Company; nor does there appear to have been any pretence for claiming it on the death of the Rajah without a son, by any legal title, either as an escheat or an *bona vacantia*."

[Ed.] The Resi dent reported very strongly in favour of maintaining the Raj and placing the youngest daughter on the throne; though, here, he was no doubt mistaken in law. The Court of Directors, in their despatch, denied the daughter any right of succession to the Raj, and avoided the case of the widow, Kamakshi Bai, acting upon the unanimous recommendations of Lords Dalhousie and Harris.

The increased and permanent grant to Tippoo Su[illegible] family, the absence of all opposition to it in Parliament or i[illegible] English Press, and the incidental allusions to Lord Dalh[illegible] are eminently significant of the altered temper at hom[illegible] of the Government and of the country at large.

There are several other strong moral claims, the cons[illegible] of Lord Dalhousie's arbitrary acts, which are still unsett[illegible] by no means abandoned. Prince Azeem Jah, *de jure* N[illegible] the Carnatic, has to this day refused to take the pension[illegible] to him, or to resign the inheritance of his forefathers[illegible] heir[illegible]r faithful allies in peace and war, is not likely[illegible] hea[illegible]he observes the generous consideration show[illegible] desce[illegible] of our most persevering enemies.

[illegible]*alcutta Review* for December 1859 contains [illegible] [illegible]f Lord Dalhousie, his policy and its resul[illegible] [illegible]is judiciously written for the purpose, full [illegible]ancy where the ground is safe, perfunctory even to emptiness where a plausible palliation is hopeless. For instance, great care and considerable space are devoted to proving that the second Burmese War and the annexation of Pegu were justifiable and that not "one tittle of the blame of the mutiny can be laid at the door of the Burmese campaign". But the conquest of Pegu was never a frequent subject of objection; the propriety of the war was scarcely disputed by any one but Mr. Cobden; and as to its influence on the Indian rebellion of 1857, the Calcutta reviewer's argument is superfluous and irrelevant, for no one has ever advanced such an absurd supposition. Pursuing the same judicious plan, the reviewer is very bold and very verbose on the subject of the Punjaub, th[illegible]ump-card of the Dalhousie school, while he treats the co[illegible]atio[illegible] Sattara, Sumbhulpore and Jhansi as "lapses", and [illegible]isses t[illegible]without an attempt at justification. Shall[illegible]nd superfic[illegible] article is yet well written and well calc[illegible]ed to mislead leaders

in England who are not familiar with the facts, and I shall therefore not permit it to escape without a few words of protest and exposure.

The question of the annexation of Oude has been thoroughly discussed, almost exhausted; but I must still offer a few observations on its treatment by the reviewer. It is true, as he points out, that "of all the political measures taken by Lord Dalhousie, not one was taken with greater deliberation, was made the subject of such ample reference to England, united in approval men of more varied experience and opinions, or "—but here I must put in a caveat—"was effected at so slight a cost."[1] By "cost" I suppose the reviewer means the actual expense by which the decree of annexation was carried out in 1856; for if the receipts and expenses of Oude from that date up to the present day were to be fairly exhibited, I suspect that there would be a heavy balance on the wrong side, notwithstanding "extraordinary receipts" from the auction sales of the king's elephants, horses, tigers, including the "celebrated Junglar" now to be seen at the Surrey Gardens, not to mention the shawls and kincobs which attracted so much competition at Cawnpore, and the sale of which excited so much hatred and contempt against the Honourable Company all over India. With equal justice and truth it might be said, that the annexation of Jhansi was "effected at a very small cost," for at the time there was, in fact, no cost at all to the Government. No resistance was offered by the widowed Ranee; a few tears, a few curses, were all the means of offence in her possession at that time; and as to the heir, the Rajah's kinsman and adopted son, a boy of six years old, what could he do? But the Ranee's time came in due course, the time when the cost of Jhansi in

(1) [Ed.] Lord Dalhousie was flattered to the skies for the masterly way in which he had brought about so important a revolution without bloodshed. He welcomed Lord Canning, on his arrival at Calcutta, "with the first flashed message of the electric telegraph, just completed between the two kingdoms:—"All is quiet in Oude."

blood and treasure was to be paid in full.[1] And placing a somewhat high value on the blood of British soldiers, and, I may add, on the blood of human beings of *all* castes and colours, I humbly venture to think that Jhansi has cost a good deal more than it is worth. Even by the gross material test of receipts and expenses, I doubt not that in that little province also, the balance sheet would be found to condemn the advocates of annexation, and will continue to do so for an indefinite period.

But the reviewer was not ashamed, after two years of rebellion, in which torrents of blood had flowed, and forty millions sterling had been added to the Indian debt, to reproduce the same puerile and despicable apologies for the annexation of Sattara, Nagpore and Oude, which were used with so much ostentation, and with so much effect on the unthinking, at the several periods of those great political crimes—"The territory of Nagpore," he says, "lapsed without a shot being fired."—"The annexation of Oude was effected with tranquillity"—as if the sternest opponents of annexation had ever doubted that our power was sufficient to overawe all immediate opposition, or to overcome it if any had been offered. But it is pretty well known by this time that Lord Dalhousie's confident assertions that the change of rule was hailed by the population as a blessing, and that not " a murmur was heard beyond the palace walls,[2] were erroneous and unfounded; that both in Oude and in Nagpore, the chieftains, the local armies, and the military classes, were most ready and willing, and even importunate to be

(1) The Rani pleaded hard for her house; "in private interviews with the British representative, she broke into passion, even stronger than her petitions and cried from behind the *purdah*, "Mera Jhansi denga nahi" (I will never give up my Jhansi). But she was weaker than her words. Her part in the Mutiny has not been fully told or known. By her adroit intrigues, Gwalior was nearly lost and Central India along with it. She kept for long Sir Huge Rose at bay; and the latter wrote the epitaph upon this proud Indian Boadicea, when he declared in the general order: "The best *man* on the side of the enemy was the *woman* found dead, the Ranee of Jhansi." Recently, a monument was erected at Gwalior, where she fell.

(2) Minute of February 1856, para 27.

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allowed to have at least one fight, to save their honour; and that if not a shot was fired at Nagpore or Lucknow, we are indebted to this temporary tranquillity not to Lord Dalhousie or his lieutenants but to the efforts of the widowed Ranees and the deposed King.

When the reviewer expatiates, as he does, on the bad Government of Oude, the want of protection for life and property, and the profligacy of the court, he is simply wandering from the subject, and throwing dust in the eyes of the readers.[1] All the public and private faults of the royal family of Oude cannot justify the extinction of the Sovereignty, the seizure of the territory and revenues, and the confiscation of a great part of the private property of our faithful ally. By the enormous cession of territory, amounting to nearly two-thirds of his possessions, made in the treaty of 1801, the Nawab Saadut Ali purchased our support for himself and his descendants, and "paid such a price for it as no other native ruler ever did," as General Low, when negotiating the treaty of 1837, wrote to the Government of India. In the same treaty of 1801, the strongest guarantees that words could convey (three separate articles reiterating them) were given, that the ruler af Oude should thenceforth be exempt from all those pecuniary demands, which, by a succession of arbitrary exactions, had risen to seventy-six lakhs of rupees per annum. In Article 6 of that treaty, the Company guaranteed to the Nawab, his heirs and successors,

(1) [Ed.] "The appearance of *The Life of an Eastern Prince*—to which the author did not affix his name, but which was cooked up by a literary hack—at that particular time was a singular coincidence. The memoranda appear to have been some twenty years old; why were they hawked up just as Oude was about to be seized?". (Norton p. 118). Mr. Halliday, the Lieutenant-Governor of Bengal, in a recent minute, wrote: "The administration of justice is nowhere alleged to be worse in Oude than it is within our own districts, and it could not be possible to discover anything more atrocious as a system than is laid open in the recent report of the commissioners appointed to inquire into the practice of torture in the territories of Madras."

"the possession of the remaining territories, together with the exercise of his and their authority within the said dominions."[1]

The misgovernment of Oude continued, notwithstanding the constant good advice of our Residents; a thorough-going Lucknow partisan would say, *in consequence* of the incessant meddling and interference, and greedy exaction of loans, by which nearly four crores (four millions sterling) were taken from the Oude treasury in twenty years.[2] There are always two sides to a question; but let that pass. Admit the misgovernment; let it all be attributed to the King of Oude and his ministers; but all these admissions cannot help Lord Dalhousie and his friends. The treaty of 1801 gave us no right of interference except as friendly advisers, and the treaty of 1837 [3] was made expressly to

(1) [Ed.] The Treaty of 10th November, 1801, says that 'no demand whatever shall be made upon the treasury of His Excellency (the Nawab Vizier) on account of expenses which the Honourable Company may incur" in article 5; it again says, in article 7, that the Company will not claim any payment of subsidy from His Excellency's Treasury, after their officers shall have obtained possession of the Ceded Districts." The same is also contained in a clause of the 1st article. The territories ceded by this Treaty yielded a revenue of £ 1,352,547 sterling; whereas Sir John Shore had raised, in 1798, the subsidy from £ 5,55,000 to £ 7,60,000.

(2) [Ed.] Ghazi-ud-din, the son of Sadat Ali, who ascended the throne in 1814, was deprived of the bulk of the property of Bahu Begam, on the ground that the Company were the executors of Her Highness and entitled to carry her will into effect. In October 1814, the Nawab Vizier offered one crore of rupees as a gift to the Company; it was refused as a gift, but accepted as a loan. A second crore was obtained before long, in return for a district which was given to him. According to Bishop Heber, "the king lent the British Government all that would have enabled him to ease the people of their burdens" (*Journal*; Vol. II; p. 81). "The district which was conveyed to the Vizier by a treaty dated in 1816, was taken from his heirs by Lord Dalhousie, under a proclamation based on the treaty of 1801." (*p.* 66 of *Dacoitee in Excelsis; or the Spoliation of Oude*).

Lord Amherst thanked the Vizier, now the King of Oude, in October 1825, for his advance, by way of loan, of a sum of one crore of rupees; and in another letter of June 1826, for a further loan of 50 lakhs. Ghazi-ud-din Haidar, known as the Mine of Munificence, died in 1827, after requesting that the last loan might be made perpetual and its interest devoted to making certain stipends.

(3) [Ed.] Nasir-ud-din Haidar, who succeeded Ghazi-ud-din, died in 1837 and was succeeded by his uncle, Muhammad Ali Shah. On his accession a new treaty was concluded, to which his assent was given most reluctantly. "The Home Government disallowed it and directed the restoration of the relations with Oudh to the footing on which they had previously stood. The King was thereupon informed of the determination of the Government to relieve him from all that was onerous in the conditions respecting the subsidiary force established under the treaty,——but the formal abrogation of the treaty was not intimated to him." (Aitchison's *Treaties, etc.* (1909): Vol. I p. 83).

supplement this defect, and to give us the positive right to interfere effectually, and to assume the management of the country on certain definite terms in case of "gross and systematic oppression and misrule."

The charge against Lord Dalhousie is, that he deliberately violated both the treaties. But, says the Calcutta reviewer, whom I charitably acquit of all originality, repeating the wretched excuses advanced by Lord Dalhousie at the time of the annexation, the Home Authorities "cancelled" the treaty of 1837. It is impossible to deal gently with these unscrupulous subterfuges, or to expose them in mild language. The statement is *false*; the treaty was not, and could not be, cancelled. A treaty concluded with every formality between the Governor-General of India and the Sovereign of Oude,—signed, and sealed, and ratified, and copies exchanged,—could not be cancelled by the Home Authorities without the full knowledge and consent of the Sovereign of Oude; without, in fact, a fresh negotiation with that express object. The Governor-General had full power to conclude treaties, and the final exchange of ratified copies made the treaty binding upon both parties. The fact is, that the Secret Committee of the Court of Directors simply disapproved of the increased burden of providing a contingent force imposed upon Oude by the new treaty, and desired that the king should be "exonerated from these obligations," to which his assent had been most reluctantly given. But the Secret Committee added—"Although we thus convey to you our directions for the abrogation of the treaty, we leave it discretional with your Lordship to adapt your measures to the state of circumstances as they may exist when you receive this letter". The Governor-General, Lord Auckland, with the advice of his Councillors, General Morrison and Mr. Robertson, decided on merely signifying to the King of Oude that he was relieved from the military expenses imposed by the

treaty of 1837;[1] and they came to this decision on the express grounds of the difficulty under the treaty of 1801 "of enforcing its conditions," and of the solemn, recorded, and effectual warning contained" in the new treaty of 1837, and of the power obtained by it to "assume the administration as a remedy for gross misrule."[2]

But the reviewer adds—"The treaty when published" (in 1845) "bore, if we mistake not, a foot-note to the effect that it was not considered in force by the British Home Government". The reviewer *is* mistaken; but what if he were right? Can a treaty between two States, solemnly signed, sealed and delivered, be subsequently cancelled by a foot-note, the suggestion of an Under-Secretary, or perhaps the bright thought of a compiling clerk? But there is not such foot-note. There is a note in the printed volume of Treaties as follows:—"The Home Government disapproved of that part of the treaty which imposed on the Oude State the expense of the auxiliary force, and on the 8th July 1839 the King was infomed that he was relieved from the cost of maintaining the auxiliary force, which the British Government had taken upon itself".[3] The treaty of

(1) [Ed.] *Vide* Letter of Lord Auckland to the King of Oudh, dated July 8th, 1839, in which the latter was informed that "from the period you ascended the throne, your Majesty has, in comparison with times past, greatly improved the kingdom, and I have, in consequence, been authorised by the Court of Directors, to inform you that, if I think it advisable for the present, I may relieve your Majesty from part of the clause of the treaty alluded to, by which clause expense is laid upon your Majesty." The English copy of the letter has the words, "I am directed to relieve you" for which in the Persian version, transmitted to the King, the words 'If I think it advisable for the present, I may' were substituted. When the King pointed out the mistranslation, the Governor-General issued an order that only Persian versions of letters should be transmitted to the King and other Indian princes." (*Dacoitee in Excelsis etc.*—pp. 92–93.

(2) Minutes by Lord Auckland, Colonel Morrison, and Mr. Robertson: Oude Papers, printed in March, 1858.

(3) [Ed.] The King of Oudh was only relieved from the operation of that clause of the treaty, "by which clause expense was laid upon his Majesty. The rest of the treaty hung over him in his royal palace, like the sword of Damocles, ready to curtail his authority, if he made the slightest slip." Lord Auckland never informed the King that the treaty of 1837 was a dead letter, "though he did report to the Directors that he had not done so"; and "Lord Hardinge, nevertheless, when he warned the King in 1847, that he must reform, cited this treaty in his memorandum, as if it was still in force and confirmatory of the treaty of 1801" (Parliamentary Papers, 1857-58. XLIII, p. 368. quoted by Lt. Col. Luard in the *Cambridge History of India*. Vol. V.)

1837, and our right under it to interfere, and to assume the management of the country, was made the text of the long memorandum of advice and remonstrance addressed by Lord Hardinge to the King of Oude in 1847 which is printed also among the papers to which we have referred. Lord Hardinge distinctly threatens therein to enforce the stipulations of the treaty of 1837; whilst Lord Dalhousie, his counsellors, and his apologists pretend to consider it cancelled by a secret letter in 1838, and by an imaginary foot-note in 1845!

The Calcutta reviewer has either never heard the real charges brought against Lord Dalhousie's government, or purposely evades them, to make a show of refuting charges that have never been advanced. He writes like a true partisan, a true disciple, of Lord Dalhousie. He writes with real gusto and admiration of the "extent, depth, and variety of his Lordship's minutes," and other "comprehensive State papers;" and by the devices of his own slippery rhetoric shews how closely he has studied his great master's style.

There is the true Dalhousie touch in the statement, that '*no objection was raised at the time* to the discontinuance of the titles of the Raja of Tanjore and of the Nawab of the Carnatic"— a mild, modest, inexplicit statement which averts discussion, and assumes the entire question, but which is totally contrary to the fact. No objection was made at the time! No objection to the extinction of the Carnatic Principality was made by the Prince Azeem Jah, the late Nawab's uncle and heir, who up to this day has refused to touch the stipend allotted to him, and still maintins his claim! No objection to the extinction of the Tanjore Raj was made by the Ranees, who are still carrying on an expensive agitation in England![1]

(1) [Ed.] Her Highness Kamakshi Bai, the senior widow of the late Rajah, had to sue the Company for her husband's private estate and get a decree in her favour in the Indian Courts. Against this, the Company appealed to the Privy Council who reversed the decision of the Supreme Court. Sir Richard Bethel, the Attorney-General, appeared for the Rani; and though the Privy Council held that Forbes' Seizure of the palace was within the scope of his instructions and therefore an act of State, they did not wholly approve of the conduct of the Madras Government. (Hickey *The Tanjore Mahratta Principality*: p. 158); and see note (1) on p. 17.

No case, we suppose, of Kamachee Baee *versus* the East India Company was ever tried at Madras and decided in the Ranee's favour, and afterwards on appeal elicited the sarcastic and indignant comments of the Judges of the Privy Council![1] Of course these "objections," quite escaped the reviewer's observation "at the time," or his memory subsequently. But were no objections made by the public press? The Tanjore and Carnatic spoliations excited, it is true, little interest either in Calcutta or Bombay; but, with the exception of the *Friend of India*, which in those days was ever ready to support Lord Dalhousie with a little epigrammatic sophistry, I do not remember that a single journal attempted to defend those shameless confiscations; while the press of Madras denounced them with an unanimity most creditable to it, and a cogency of argument that left no room for reply. The *Madras Athenaeum* in particular contained a series of most able articles on these flagrant infractions of our treaty obligations. But the Calcutta reviewer would have us to understand that "no objection was made at the time;" and the statement is so indefinite, so seemingly innocent and candid, that hundreds of general readers will accept it as a fair and truthful representation. It is just as truthful as Lord Dalhousie's assertion, in the farewell Minute glorifying his own administration, that the widows of the late Rajah of Nagpore had "themselves admitted" that no son was adopted by them at the Rajah's death; while at that very time,

(1) [Ed.] "It is extremely difficult to discover in these papers any ground of legal right on the part of the E. I. Company, or of the Crown of Great Britain, to the possession of this Raj; or any part of the property of the Rajah on his death; and, indeed, the seizure was denounced by the Attorney-General......as a most violent and unjustifiable measure. The Rajah was an independent sovereign of territories undoubtedly minute, and bound by treaties to a powerful neighbour, which left him practically little power of free action; but he did not hold his territory such as it was, as a fief of the British Crown, or of the E. I. Company, nor does there appear to have been any pretence for claiming it on the death of the Rajah without a son, by any legal title, either as an escheat or as *bona vacantia*. It should seem, therefore, that the possession could hardly have been taken on any such ground." (from the judgment of the Judicial Committee of the Privy Council on the appeal of the E. I. Company, on 27th July, 1859)—see note (1) on p. 17.

the Ranees were maintaining wakeels at an immense expense in England to prosecute the claims of their adopted son. The apologist is verily worthy of his client.[1]

In pursuance of the same tactics, the reviewer assumes that Lord Dalhousie is charged with intending to absorb *all* the Native States of India; a charge which he proceeds to answer by cataloguing the States that still exist. Thus he tells us that Lord Dalhousie did not annex Bhurtpore during the infancy and childhood of the present Rajah. He describes this abstinence from a course for which no possible pretext existed, as "a just and dignified forbearance"; but adds, with somewhat ludicrous inconsistency, "We should feel it almost an insult to the Government to vindicate it from the charge of having acted as a perfidious guardian to a helpless ward, were it not constantly asserted that it had spared no one on whom it could lay hands." Lord Dalhousie has never been accused of annexing or confiscating without pretext or pretence. He is charged with having invented pretexts for the annexation of friendly and allied States to which we owed protection. Lord Dalhousie never defied the world's opinion by open and avowed aggression, but tried to gain it by special pleading, and professing a plausible regard for the welfare of the people whom we were to rescue from misrule.

(1) [Ed.] "The position assumed by Lord Dalhousie was that there had been no adoption at all; and this appears to depend entirely upon a letter from the venerable Banka Bai, the grand-mother of the deceased Ragboji. Why had she not, acting with the senior widow, proclaimed the adopted heir?" The Ranis seem to have suspended the formal ceremony of adoption, simply out of respect for the Paramount Power; and, meanwhile, the Resident seized upon the Government and affixed seals to the treasury, the jewel-chests and even the household stores of the Bhonsles. Lord Dalhousie, commenting on the Queen-Mother's letter, wrote: "I wish to draw attention to the marked absence of any allegation in this petition, that an heir was appointed or exists to the *guddee* at Nagpore......She (Banka Baee) nowhere attempts to assert that any heir of his body existed to the deceased Rajah, or that he adopted, or expressed a wish to adopt, any heir, or that any such adoption was made by his widow. She does not so much as attempt to name, or even to affirm the existence of any heir to the *guddee*, and with reason, for no such heir exists." (Arnold: Vol. II pp. 158–160). The Ranis denied that the late Rajah was silent about adopting a successor or that they were idle in obeying his dying command).

Unhappily, for his stipulation, there was a way defined by treaty to rescue Oude therefrom, which the temptation of its treasury made him overlook, while Nagpore and Sattara were both well governed, and in Tanjore and the Carnatic there were literally *no* people to be rescued, since the entire administration was in our hands.

The charge against Lord Dalhousie is, that he perverted our position altogether; that he destroyed our fair fame, annulled treaties at will, and placed the *de facto* paramount power, of which he was for eight years the executive head, in untenable and unintelligible relation towards the dependent sovereignties of the empire. His policy, neither honestly protective nor honestly hostile, was one destroying the confidence of our friends, justifying the distrust of our worst enemies, converting loyal submission into mere imbecility, and what were once calumnies, and what might have been called conspiracy, into legitimate reproaches and reasonable precautions. Lord Hastings and Lord Wellesley crushed or coerced our foes: Lord Dalhousie ruined our friends.[1] He was, and always would have been, the best and noblest of servants; he was the very worst and basest of rulers.

These are hard words, but they are carefully chosen. I say he was the basest of rulers, because he lowered the reputation of our Government by repeated breaches of our pledged faith; because he raised many of our faithful and submissive and unobstrusive feudatories into the conspicuous position of victims and martyrs, and placed them on a moral elevation far above us. It was this flagrant transformation of the legitimate Imperial position of protector into that of spoliator, that spread throughout India the notoriously general impression that our time was up, that God was no longer on our side, and that the

(1) [Ed.] "Lord Dalhousie made a bloodless onslaught upon titular princes—powerless and our friends. His weapon was the pettifogging special pleader's pen." (J. B. Norton in *The Rebellion in India*; p. 130).

first wh[illegible]r of rebellion would be sufficient to call every native prince [illegible] hieftain into the field against us. It had been talked [illegible] ars, though more especially after the annexation of Ou[illegible] this feeling was universal among the Bengal sepoys [illegible]

T[illegible] Government, by its actual preponderance, and in most [illegible] y the express concessions and stipulations of treaties, [illegible] to be the controlling and protecting power of the cont[illegible] India; and is in fact, though not by the letter of t[illegible] endowed with imperial functions and supremacy over all its allies, whether tributary or not. But no paramount and protecting power, no imperial or federal head in Asia or in Europe since the world began, has ever continued for any lengthened period to retain its commanding influence by common and peaceable consent, when it has ceased to respect and protect the integrity of the possessions, and the privileges and the dignity of the minor constituent States. The British Government has lost both influence and reputation by the annexations of the last twenty years. When the paramount power avows—as Lord Dalhousie did in the name of the British Government,—a policy of consolidation, and begins absorbing the smaller principalities, it virtually abdicates its protecting and federal supremacy, and assumes a hostile and destroying character, which can lead to nothing but alarm and intrigue, and which will be submitted to, and tolerated, so long as the fear of overwhelming power prevents resistance, and no longer.

There is no more prejudice, no more moral aversion in India, probably much less, against the abstract principle, or the practice of a war of aggression and conquest, for the acquisition of "natural frontiers", than there is in France. Indeed, there can be no doubt that, before commencing such a war, a plausible or colourable pretext, to satisfy a certain party at home, and to conciliate the public opinion of surrounding nations, would be more urgently required in France than in the East, where

civilisation is less advanced, and internation[illegible] much studied. For instance, the princes, chieftai[illegible] ple of India, viewing only the outward events from af[illegible] fectly acquainted with the details previous to the [illegible] essed and felt none of that disgust and horror a[illegible] est of Scinde,[1] that they did at the annexation of Nag[illegible], and Oude, and at the Carnatic and Tanjore spoliati[illegible] ing at their own interests and prospects, they undoubte[illegible] xious and alarmed at this new result of our gradual [illegible] ents; but the case in itself appeared to them quite fa[illegible] simple; nothing in it jarred against their primitive notions of political justice. There were battles and victories; a city was taken and plundered; the princes who had opposed us in the field were sent into exile, their dominions and treasures were appropriated. There was nothing here to offend the moral sense of an Oriental. If the captive princes had all been avowedly despatched by the bow-string or poison, little indignation, would have been excited in India beyond the range of English ideas.[2] *Voe victis!* Such things are not unfamiliar to readers of Indian history, nor indeed are they without precedent in the annals of Europe. They might be set down by the rude causistry of the East as acts done in hot blood, or under the stress of immediate danger.

(1) [Ed.] By Sir Charles Napier in 1842. The opinion on the conquest has been generally hostile; but the conquest itself cannot be said to be the fault of any one man. (*Cambridge History of India*—Vol. V. p. 538).

(2) Scinde, in common with all our territorial acquisitions of the last quarter century, including the Punjab, is an unprofitable burden on our finances and on our military strength. For the reasons stated in the text I believe that the conquest of Scinde was less injurious to our reputation in India, than the quiet absorption of Oude and Nagpore; but the conquest of Scinde was, in its design and in its details, a most flagrant piece of freebooting. That, I am sure, will be the verdict of posterity.

Additional note: [Ed.] Napier raised a traitor in the camp of the Amirs, in the person of Ali Murad, the Amir of Khairpur. Sir Richard Burton has recorded how the Mulatto engineer of the Amir's artillery had been persuaded to fire high and the Talpur traitor who commanded the cavalry openly drew off with his men. (Basu's *Rise of the Christian Power in India*—Second. Ed. p. 839).

But to assail in cold blood, and without the slightest provocation or excuse, our best friends, those to whom, in return for gifts, concessions and continued service, we had promised perpetual protection; and to the extinction of their sovereignty to add the spoliation of their wealth, not sparing even their women's trinkets, these things do indeed appear, to the untutored mind of the Hindoo, most indescribably revolting. The mutual obligations of sovereign and vassal, of protector and dependent, of master and servant, have constituted in India, from time immemorial, the very keystone of society and of the State. Lord Dalhousie, by his acquisitive policy, reduced all our relations with the native powers to a state of hideous ruin and confusion. It was, in the eyes of all India, the abandonment of every duty, and the abdication of all right.

When the annexation of Nagpore was being discussed at Calcutta, in February 1854, General Low[1] was the only Member of the Supreme Council who dissented from that measure, and he called attention, in the following passages of his Minute, to that very distinction which I have endeavoured to point out:

"In my conversations with natives when I was in Rajpootana, there never was any unpleasant remark made to me respecting the annexation of the Punjaub. Some said Dhuleep Singh was an unlucky youth in having such bad counsellors; but no one ever said that the British Government acted with injustice in annexing that territory to its own."

"But every person who mentioned the subject to me, and there were numerous persons who did so, held totally different language in regard to the annexation of Sattara."

"It is very remarkable that every native, who ever spoke to me respecting the annexation of Sattara, asked precisely the same question, viz., "what crime did the Rajah commit that his

(8) Now Sir John Low, K. C. B., the last surviving pupil and assistant of Sir John Malcolm.

country should be seized by the Company,'—thus clearly indicating their notion, that if any crime had been committed our act would have been justifiable, and not otherwise."

"As soon as the annexation of Nagpore shall be known, similar questions will be anxiously asked by natives all over India, and no human being will be able to answer them to their satisfaction. They only know a few facts, and they reason upon them. They know that the late Rajah did not make war upon us, or upon any of our allies; they know also that he did not neglect to pay his tribute to us; they know that he did not so mismanage his country as to cause inconvenience to us; they consider that the succession to a Raj like that of Nagpore, is one of those matters of interior arrangement with which the paramount state has nothing to do, unless there should happen to be rival competitors ".[1]

Open, undisguised conquest can be understood by all, and may be admired as a grand display and exercise of force, even though it be not approved. But the processes, so often adopted by Lord Dalhousie, of "bouncing" a family not only out of its principality but out of its private wealth and household goods,[2] by asserting that there was no heir, when it was notorious that there were hundreds who could claim in succession, and of

(1) Blue Book, Rajah of Berar, 1854, pp. 42, 43.

Additional note: [Ed.] Lord Dalhousie tells us in the 32nd paragraph of his minute, on the case of Berar, that the essential interest of England requires that the territory of Nagpore should pass under the British Government; "for the possession of Nagpore will materially aid in supplying a want, upon the secure supply of which much of the manufacturing prosperity of England depends." The comment on this sentiment by J. B. Norton was: "And so *cotton* stuffed the ears of Justice who is deaf as well as blind."

(2) [Ed.] The trinkets and family tokens of the Bhonslas were sold by auction; and the Maharaja's stud of elephants, camels, horses, etc., disposed of likewise. "There is something natural, therefore, if out of harmony, in the dolorous plaints of the ladies of the court, who, having lost a kingdom, bewailed to the Judge Advocate-General at Nagpore that a pair of their bullocks had gone for five rupees and an Arab horse for twenty." Bags of gold and silver, to the value of [illegible] 40,000, were disinterred from under the couch of one of the Ranis.

declaring the right of the British Government as the "paramount power" to refuse to recognise Hindoo adoptions,—a right for which no precedent has ever yet been shown, and which can in fact be proved on the best legal and historical grounds to be a figment of the imagination,—these processes, more cruel and mortifying than conquest and less susceptible of generous mitigation, for any admission of a rejected heir logically involved his full recognition, were always incomprehensible and inexplicable to the native mind, and the arguments in their favour merely excited contempt and incredulity. Conquest produces terror and submission, but despotic equivocations simply exasperate, and encourage resistance. Nor is this distinction novel or unnatural. Two thousand four hundred years ago, Thucydides wrote the following passage: (Book i. c. 77)—"The Athenian ambassadors observed to the Lacedæmonian magistrates, that men are much more provoked by injustice than by violence, inasmuch as injustice, coming as it were from an equal, has the appearance of dishonesty, while mere violence, proceeding from one stronger, seems but the effect of inevitable necessity."

I am very far, however, from asserting or imagining that all the latent opposition and rankling hatred excited by the annexation policy, are to be entirely attributed to pure and patriotic motives, or even to clan affection and allegiance to a dynasty. Undoubtedly, there was a strong admixture of the baser element of self. Whether they belonged by birth or service to the intruding or to the superseded power, the natives found that their occupation was gone, that their assistance was no longer courted or rewarded. The native soldiery, and through them the nations of India, were grievously injured and menaced, both in their self-interest and in their personal dignity, by the ignoble sequestrations of Oude and Nagpore. They not only saw the princely families of their own blood and religion whose patriarchal splendour reflected some light even upon their

humble past, treated with utter contempt, but they saw also that their own time was gone by. The British Government had now apparently grown so strong by their aid, that it no longer needed their active services, but could produce all the effect of a campaign and a conquest by an imposing demonstration. In Scinde we expelled a dynasty, and plundered a great city; but we divided the spoil with the army, and every sepoy received, as his lawful share, what to him was a small fortune.[1] For the Punjaub also there were distributions of prize money, as well as donations of "batta".

But at Nagpore and at Lucknow the royal jewels and plate, the furniture of the palaces, the wardrobe, even the ladies' cloths, were publicly sold, but the troops got no share; all the proceeds went into the Honourable Company's pocket. Lord Dalhousie thus contrived to exhibit the British Government, on the most conspicuous stage, in the most odious of characters, and to direct against it every feeling at once of compassion and cupidity, of national pride and private greed.

Not only does an annexation appear more intelligible and more justifiable to popular conceptions, when preceded by open war, but I have no doubt that we might still for a time secure the hearty concurrence of any number of native troops by making them partners and accomplices in a career of conquest and violence. For example, of all the great annexing operations that have been proposed during the last twenty years, that of the Nizam's Dominions—which has been repeatedly proposed and planned—would, in my opinion, be the most impolitic and the most dangerous. The Madras army, to which the execution and

1. About £ 15/- or nearly two years' pay. Of course a good deal of "loot" was also picked up as usual in an irregular manner.

Additional note: [Ed.] After the battle of Miani, the victorious soldiers behaved in a manner not very commendable. J. P. Ferrier, (in his *History of the Afghans* translated by Captain Jesse: Murray, 1858), says that the officers of the victorious army carried off even the treasures, jewels and cloths of the princesses of the harem. See also Eastwick's *Dry Leaves from Young Egypt*.

subsequent occupation would fall in the ordinary course, is essentially a Mahomedan army[1] and the men have a traditional regard for the Nizam's family, which has grown into a by-word and proverb among them.[2] If our Government, following the bad precedent of Oude in 1856, were silently to envelope

(1) The *English in India*, letters from Nagpore, p. 21.

(2) And yet the Nizam has never been exactly a popular Prince. His court has always been more stately and aristocratic, and the Prince himself more punctilious and secluded than native courts and native Princes in general. His Government has never been popularly credited with that profuse liberality of rewards and promotions, on great occasions, to the humbler class of its servants, particularly to its soldiers after victory, which glorifies the vulgar notion of Sivajee, Tippoo and Runjeet Singh. Chiefly owing to their long and steady alliance with the English the rulers of Hyderabad have won no independent military laurels within the last century, have done nothing to efface their complete humiliation by the Mahrattas at Kurdla in 1794. The fall of Tippoo, a favourite hero, is attributed to British prowess, and the share taken in it by the Nizam is looked upon rather as a disgrace than a glory. And thus, in consequence of the prevalent habit of the common people in every country who endow the Prince, noble, or landlord of the day with special hereditary gifts of defects, the Nizam has much less prestige, and much less general influence, beyond his own frontiers, than several Mahratta and Sikh potentates of very inferior possessions. Even taking into consideration the Nizam's position with reference to the Madras army and the Mussalmans of Southern India, I believe that, on the whole, his open defection during the crisis of 1857, would not have been so formidable a blow to us, or so irresistable an attraction to the unquiet spirits of India, as would that of the Nagpore Bhonslas, or of the Rajah Holkar of Indore, invested as the latter is with the imaginative halo of gallantry, good fortune, and generosity which surrounds the memory of Jeswant Rao Holkar (3) whose transient success against the English under Monson—the last success gained by any native Prince—is popularly magnified into a series of splendid victories.

(3) *Note*: [Ed.] Colonel Monson, who, according to Wellesley, "advanced without reason and retreated in the same manner," allowed himself to be overwhelmed by Jaswant Rao Holkar in the Mukund Dwara Pass, 30 miles to the south of Kotah, and had to beat a disorderly retreat to Agra at the end of August 1804. The defeat was sung in ribald songs of contempt in every bazaar. One song ran thus :—

Ghore par hauda (horses with howdahs)
Hathi par zin (elephants saddled)
Jaldi bhag gaya (off helter—skelter)
Kornail Monsin (Colonel Monson skedaddled).

General Wellesley wrote that both Monson and Murray seemed to have been afraid of Holkar and to have fled from him in different directions and that "Monson's disasters are really the greatest and most disgraceful to our military character of any that have ever occurred." (Owen's *A Selection from the Wellesley Despatches*; *p.* 788). Jaswant Rao Holkar, son of Tukoji and brother of Kashi Rao, became the ruler of Indore in 1802. For his life and achievement, see J. Malcolm's *A Memoir of Central India including Malwa.* Vol 1. *pp.* 195—253; *and* M.W. Burway's *Life of Maharajah Tukoji Rao Holkar II*; pp. 84-104.

Additional note :—For a good picture of the Nizam's court about this time and its old-world ideas of courtliness and pomp, see R. Temple's *Journals kept in Hyderabad, Kashmir, Sikkim and Nepal*; edited by R. C. Temple; Vol. I Introduction and *pp.* 67 *et seq.*

Hyderabad,—as was done at Lucknow—with a large force; no explanation,[1] or a false one,—as at Lucknow—being offered, until the net was drawn close; and were then, trusting to gain the object—as at Lucknow,[2]—without fighting, by overawing resistance, to press terms of abdication or mediatisation upon the Nizam, under some specious plea of his indebtedness or misgovernment, I should look with certainty, as a direct consequence of these proceedings, and of the mingled feelings of wounded pride and injured interests excited by them, for a tremendous general mutiny of the Madras army, and a rebellion in Southern India.[3] It might break out at once, on the spot, as it would have done in 1856 at Lucknow, had the King of Oude accepted the offer that was certainly made to him by the Bengal sepoys,[4] or it

(1) [Ed.] According to Dalhousie's scheme, the King of Oudh, while retaining the sovereignty of his dominions, should "vest all power, jurisdiction, rights and claims thereto belonging in the hands of the East India Company", which was to have the disposal of the surplus revenues. Even this transparent disguise was not to be continued; and this distinction without a difference was not asserted anywhere in Lord Dalhousie's minute. But annexation was openly decided upon at home.

(2) [Ed.] Outram, Resident at Lucknow, received his instructions to bring about the annexation in the last week of January, 1856. A body of British troops, sufficient to overawe all opposition, had been moved up to a threatening position. On the 4th February, when the King was given the letter from the Governor-General, as well as the draft of the proposed treaty, he received them with an outburst of grief and declared that treaties were only between equals and there was no need for him to sign it; "they had taken his honour and his country and he would not ask them for the means of maintaining his life" and "now the British Government which had made his grandfather a king, might reduce him to nothing and consign him to obscurity." Thus, Outram was forced to resort to the issue of a proclamation of annexation. (Kaye's and Malleson's *History of the Indian Mutiny*: Vol. 1. by Kaye—*pp*. 108–9 (of 2nd. Ed.)

(3) [Ed.] There was the Vellore Mutiny of 1806, one of the causes of which was the rousing of the fanaticism of the sepoys whose minds were prejudiced by tales of an intensive conversion campaign on the part of their masters. There was also the so-called White Mutiny on the part of the European officers of the Madras Army, in which the question was whether the military authority was to be over-riding the civil government. (See A. Mayhew's *Christianity and the Government of India* Ch. VI; & A. Cardew's *The White Mutiny*—Ch. II)

(4) [Ed.] It was reported that 40,000 men in the ranks of the Bengal Army were enlisted from Oudh. M. R. Gubbins, Financial Commissioner for Oudh, in his book, *The Mutinies in Oudh* (2nd. Ed. 1858), says that the men at the court of Wajid Ali Shah and the ex-minister, Ali Naki Khan, should have excited the spirit of mutiny which they saw in the Company's sepoy troops (p. 52).

Norton points out the fact that from the moment the mutiny extended beyond the focal centre of Bengal, it leapt "from point to point where our annexation policy has usurped the sovereignty," (p. 96—*Rebellion in India*). He writes that, almost simultaneously, we hear of insurrections at Nagpore, at Sattara, at Jhansi and the fear of it at Triplicane (the residence of the deposed titular ruler of the Carnatic) far apart and unconnected as these localities are from one another."

might be deferred during a year or so of importunity, intrigue and conspiracy, but sooner or later it would come. The longer it was postponed, the greater probably would be the area of insurrection. A violent revolution—such as is an uncalled-for annexation, where the feelings of the people are outraged, and the foundations of social order disturbed—cannot be made with rose water, or with ink, or with any fluid except blood. In the case of Jhansi, the bloodshed was merely put off for three years; in Oude for only one year.

No; if the annexation were to be done, it should be done quickly, with unwashen hands, and in hot blood. The city of Hyderabad should be rapidly invested with a large army, taken by assault and sacked. The native troops, even the Mahomedans, would forget all their scruples in the midst of that pleasing excitement; they would even ask for more; and the terror and the wholesome severity of this process would make a much deeper and more lasting impression upon the local malcontents, and keep them quiet much more effectually, than a proclamation. I have no doubt that every capital city in India might be occupied and plundered, and every principality might be annexed in turn, in this style, with much less danger and much less odium at the time, and with much less bloodshed at the end, than by the slower and more formal process which Lord Dalhousie recommended and commenced.

Lord Dalhousie was a man of talent and ability, but not a man of genius; none of the sacred fire of the poet and of the great statesman burned in that passionless bosom. His was no prophetic soul. He thought of nothing but the ways and means of the day, of some immediate, tangible, showy result to be produced. He wanted even the most ordinary foresight, that elementary moral instinct without which power must lead to tyranny. He knew not that an unjust decision is from its origin null and void, will not be accepted, and contains within itself the

germs of an endless brood of discreditable difficulties that cannot be set at rest so long as the first injustice stands.

Personally disinterested and thoroughly unselfish, even when worn and broken by disease, and under the very shadow of death, he spared himself no labour, physical or mental: but on the other hand—withdrawn and set spart, at it were, from all human hopes, all social sympathies—he never spared anyone who stood in the way, however innocently, of his settled policy of territorial aggrandisement. He devoted himself so intensely and exclusively to active duties, that he came to despise mere passive vested rights,—to look upon them simply as obstacles to what he conceived to be the general good of the empire, as valuable assets unfairly kept out of the common stock.[1] At last, in some of his Minutes on the Bombay Inams and other alienations of the revenue, and on some of his meditated annexations, he propounded doctrines of systematic spoliation to be paralleled only in the speeches of Marat and St. Just, or the works of Fourier and Proudhon.[2] Of course he did not

1. *Note:* Dalhousie's creed is best seen in the following extract from his minutes :—"But I cannot conceive it possible for any one to dispute the policy of taking advantage of every just opportunity which presents itself, for consolidating the territories that already belong to us, by taking possession of States which may lapse in the midst of them; for thus getting rid of the petty intervening principalities, which may be made a means of annoyance, but which can never, I venture to think, be a source of strength; for adding to the resources of the public treasury, and for extending the uniform application of our system of government to those whose best interests, we believe, will be promoted thereby." J. B. Norton, commenting upon this idea, says: "He may have persuaded himself that our rule was such a blessing, that it ought at all hazards, to be imposed upon the entire people; and thus, as all things appear yellow to a man in the jaundice, every opportunity seemed 'just' which presented itself to his lordship."

(2) [Ed.] Marat (Jean Paul) was a doctor and a man of culture. His *Friend of the People* inflamed the Parisians at the time of the revolution. He was diseased in body and mind; and "he took suspicion for wisdom, ferocity for public spirit and hatred of a class for love of mankind." He was assassinated by Charlotte Corday in July, 1793.

Fourier (*b.* 1772) was a French Socialist and elaborated a most ingenions and elaborate Utopian scheme. His influence was prior to those of both Owen and St. Simon.

Proudhon (*d.* 1865) was one of the leaders of the Socialist revolution of 1848; and he was the author of the famous paradox of anarchy, as the goal of the free development of society. He greatly influenced the First International.

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proceed with these measures, or place on record his socialist denunciations against "an idle and profligate nobility," without some pretensions and professions of equity, and some appearance of argument. Had he done so, he could not even have deceived himself,—that first and most essential preliminary to deceiving the public in political matters.[1] Nor did he lack support in his career of confiscation. A few old and experienced officials, such as Sir Henry Lawrence, Sir William Sleeman and General Low,[2] did on occasion raise a warning voice. Mr. Henry St. George Tucker[3] and two or three other Directors vainly

(1) "To deceive one's-self is quite as likely a case as to be deceived by another, and probably no religious imposter ever existed, who did not either begin or end by imposing on himself." (*Hinds on Inspiration*, par. 1 page 95). This is equally true of political impostors.

(2) [Ed.] Sir Henry Moutgomery Lawrence (1806–1857) served in the first Burmese and first Afghan wars. He was Resident in Nepal (1843–46) and was the Agent to the Governor-General in the Punjab in the first Sikh War. He was opposed to annexation. He was Resident at Lahore in 1847 and helped the surrender of Kashmir to Gulab Singh. He was in the siege of Multan and at Chilianwalah and was the President of the Board of Administration of the Punjab where he championed the rights of the chiefs. He was later transferred to Rajputana as the A. G. G. and to Oudh in March, 1857, where he prepared, with great skill and foresight, for the defence of Lucknow in the Mutiny. He died of a shot, in the course of the siege and wrote for his own epitaph :—"Here lies Henry Lawrence who tried to do his duty." Shortly before his death he was appointed provisional Governor-General of India. He had a strong personal dislike to annexation, both in the case of the Punjab and in that of Oudh. "He could be as curt, and as decided at times, in administering the "snub"—to use a disagreeable word—as Lord Dalhousie himself." (Edwardes & Merivale- *Life of Sir Henry Lawrence*; 3rd edition 1873—p. 435).

Sir William Henry Sleeman (1788–1856) fought in the Nepal War, was in charge of the Sagar and Narmada territories from 1820, was General Superintendent of the Operations for the Suppression of Thagi (1835) and of Dakaiti (from 1839) and was Resident at Gwalior (1843–49) and at Lucknow (1849–56). He made his famous report on the condition of Oudh, but advised against its annexation.

Sir John Low (1788–1880) was Resident with the ex-Peishwa, Baji Rao, at Cawnpore (1819–25) and later at Gwalior and at Lucknow (1831–42) and in Rajputana 1848–52). He then became the Resident at Hyderabad and negotiated with the Nizam, the treaty of 1853. He was Military Member of the Supreme Council (1853–58) and advocated interference in Oudh in 1858, but not its annexation.

3. [Ed.] Henry St. George Tucker (1771–1851) was Military Secretary to Wellesley in 1799 and rose to be the Chief Secretary to Government in 1814 and a Director of the Company in 1826 and the Chairman of the Court in 1837. He wrote largely on financial questions. He wrote to the Earl of Dalhousie, in December 1847, thus :—"I shall be anxious to hear of his Lordship's personal conference with his Majesty of Oude; and I feel assured that his arrangements, whatever they may be, will be dictated by a sense of justice, a respect for our engagements, and a real desire to promote the best interests of his Majesty and his people." (p. 583 of Kaye's *Life of Henry St. George Tucker* (1854). See also his book *Memorials of Indian Government*—edited by Kaye—Section on Political Relations : pp. 239–353.

protested; but on the whole, the great body of Indian officials, civil and military, were heartily in accord with the great annexator. Servile Secretaries, emulous of a seat in Council, supple Councillors, aiming at a Lieutenant-Governorship, and, we may charitably admit, quite incapable of contending against a great name and a strong will; all contributed after their kind, compliant Minutes and volunteer Notes; here they proffered a sophism and there they wrested a fact. Anything and everything that could be rounded into a period was acceptable; prevarication was at a premium. And how could it be otherwise When he, who, in that kingly place, ought to have represented the scrupulous moderation and generous forbearance which become the majestic power and imperial position of Great Britain, was straining and twisting and torturing the plainest phrases in solemn treaties and Viceregal letters, to make the worse appear the better reason, and to destroy not only the sovereignty, but the very existence, of princely famillies to whom we owed our protection, and who owed us nothing,[1] —for we had exacted perpetual payment in advance by cessions or subsidies,—when such was the policy, and such the practice of the descendant of a long line of nobles, the pupil and companion of the greatest statesmen of England, what could be expected from the hacks of Calcutta? Even their standard of political morals was deteriorated under Lord Dalhousie's instruction.

"Mankind in general are not sufficiently aware that words without meaning, or of equivocal meaning, are the everlasting

(1) [Ed.] This is too extreme a position to take up. Arnold represents that Dalhousie was "driven by one dominant passion, to the very verge of conventional justice, generosity and good faith and even sometimes not a little beyond these boundaries;" he also says that the "narrative of his annexations seems doubtless more like counting out the spoil of brigands in a wood, than detailing the acts of English statesmanship."

Further he says: "Lord Dalhousie had, in fact deliberately conceived the idea of a homogeneous Indian Peninsula, with the British sovereign for sole Seigneur, the native princes for pensioned peers, and the native Zemindars, officers, public servants and employees, replaced by 'young gentlemen from Haileybury.' (*Dalhousie's Indian Administration*; Vol. II; pp. 199-200).

e... s of fraud and injustice "[1] Horne Tooke's vigorous text, though originally applied to "grimgribber of Westminster Hall, worse than the *abracadabra*[2] of magicians," is equally applicable to the grimgribber of the Supreme Council when recording its deli... rations on some acquisitive "act of state". Since Horne ... d his vehement diatribe, a series of improv... d in the procedure of our courts, has ... from our judicial institutions. The ... ial pleading are now quite out of pl... it may be added that our European di... d in a much more candid and ... higher moral tone, and with more h... cts than was the case fifty years ago. But, ... have been very lately some hopeful indicatio... ger views and a nobler spirit, there has on the whole been no corresponding improvement in the foreign politics and diplomacy of India during the last fifty years. On the contrary, there has been a visible deterioration. From the stern but generally upright dealings of Lord Wellesley during the critical struggle with the great native military States, and from the imperial magnanimity by which Lord Hastings consolidated our power, down to the offensive a... ance and reckless rapacity of Lord Dalhousie, in a time of ... nd prosperity, and of acknowledged British supremacy, is ... arful descent.[3]

(1) *Diversions of Purely* : [Ed.] (of John Horne Tooke, 1736-18), politician and philologist) published in 1786, which established his literary reputation).

(2) A word analogous to Abraxas, used as a magical formula by a sect of Gnostics, in invoking the aid of beneficient spirits against disease and misfortune. A Gnostic physician gave precise instructions as to its mystical use in averting or curing agues and fevers generally. Subsequently, its use spread beyond the Gnostics; and in modern times it is applied contemptuously to complicated unscientific hypotheses.

(3) [Ed.] The period 1818 to 1857, according to Lieut-Colonel C. E. Luard, ch. XXXI in *The Cambridge History of India* Vol. V), was by far the most important in the history of the relationship of the States to the British Government. It witnessed their metamorphosis from a congeries of quasi-independent units ..... into a body with so complete an acquiescence in our paramount position that even the shock of the Mutiny could not subvert it. This result we owe mainly to Lord Hastings who built so carefully on the foundations laid by Lord Wellesley, the structure being completed by the generous policy adopted when India came directly under the Crown." (*p.* 587).

Warren Hastings was unscrupulous in his exertion. tc supply the public treasury during difficulties and dangers that frequently rendered his position most precarious, but he did little or nothing that he hesitated to avow ; he worked openly in the Oriental fashion among Orientals, a plan which Anglo-In n morality, the morality of a weak and struggling commu y among uncivilised strangers, approved ar pheld up to his st day of power. His plea was necessit ed r despised public opinion, he simply disl sic o India. No one believed in the influen e affairs of the East, until the burning e e attention to the wrongs of India, and jury which they entailed upon Great Britain.[1] nt of Warren Hastings led to the India Bill, and the establishment of the Board of Control; and henceforth the administration of India ceased to be mercantile and corrupt, and was tempered and guided to some extent by the honour and interests in proud traditions of a great and free empire.

The influence of Great Britain continued to increase many years; the purity of our officials was enforced a established by Lord Cornwallis,[2] and our respect for treati and engagements became celebrated throughout Asia. Bi

(1) [Ed.] Burke spoke thus :—"We do admit that our fame, our a the very being of the inquisitorial power of the House of Commons are th man (Hastings) is not guilty. We are not come here to solve a problem, for justic for myself and for others, make this deliberate determination, I nuncu pate this and serious vow—that we do glow with an immortal hatred against all this on." (Bard—*Speeches in the Trial of Warren Hastings.* Vol. IV.)

(2) [Ed.] Cornwallis worked that "standards of justice should not be lowered in India, nor overlaid by native practices." He distrusted Indians and gave all responsible posts to Englishmen ; but he was "wise enough to see that Englishmen must maintain English standards"; and they should be appointed and promoted for merit and not by patronage ; and in this, he resisted even the recommendations of the Directors and the Prince Regent. He simplified, purified and cheapened the admi trative system. By 1793, Cornwallis had greatly improved the character c Company's service." In 1789 he had expressed "the opinion that pecula fraud were practically non-existent in any department." (Cornwallis t uas, quoted on p. 31 of A. Aspinall's *Cornwallis in Bengal*, (1931).

uninterrupted success, and unquestioned supremacy, were too much for us; the Affghan expedition, and the annexation of Colaba in 1841,[1] were symptoms of a lower tone, prevailing of that spirit of pride and impatience, and hastening to be rich, which has hurried so many individuals and nations into great crimes, and great disasters; until at last, during the eight years of Lord Dalhousie's rule, our reputation for good faith and fair dealing sank to a lower level than had ever been known since the time of Warren Hastings.

For Warren Hastings was true and consistent in the line which he adopted. Lord Dalhousie was neither true nor consistent. He never pleaded necessity, but promised immense material advantages from his policy. The distinguishing feature of Lord Dalhousie's annexation policy was that it was entirely directed against our friends, against friendly royal families to whom we were not only bound by treaties, but in several cases by gratitude.

No one, perhaps, ever made a more lavish use of "words without meaning, or of equivocal meaning," than Lord Dalhousie did in his well known annexation Minutes. Their effect was irresistible at the time, and with the men for whose persuasion they were penned: those fluent decisive sentences, those confident peremptory assertions, the neat peroration, recapitulating every inference as a fact, and every surmise as a proof, and the logical practical conclusion which followed so naturally from undisputed illicit premisses, were quite sufficient to secure, and to justify before the world, the concurrence of Councillors, Directors, and Ministers, who, satisfied with the result, never thought of questioning the process. It may seem very extraordinary that writings whose chief characteristics— of which I shall give ample illustrations—are sophistry at once

(1) [Ed.] Colaba was annexed on the ground that Raghuji Angria's posthumous son, Kanhoji Angria died, a child of two years, in April 1840. The widows of Raghuji were not allowed to adopt a son, as they desired to do; and one Sambhaji Angria, who claimed the succession was set aside.

bold and transparent, incessant evasions and enormous assumptions, should have proved so fearfully effective as "engines of fraud and injustice," but it must be remembered that they were written for the perusal and persuasion of only four or five men,[1] who were well prepared for the foregone conclusion and who submitted themselves to the sweeping, confident dexterity of Lord Dalhousie's style,—which, with a concise symmetrical arrangement, is its only real merit,—and to that peremptory, oracular, determined tone which, although it would have been at once impertinent and impotent in an English atmosphere, was at Calcutta, appropriate and successful.

For all purposes of fair consultation and discussion and honest conflict of opinions, the Civilian members of the Supreme Council, ever since the present form of government was established, have been utterly useless. Men of official habits, accustomed to subordination, dependent on official emoluments, and to most of whom the good or bad will of the Governor-General can decide whether they are to be shelved or promoted, they are not likely to cultivate very strong or marked political opinions. Every Governor-General who has had an opinion and a will of his own,[2] has always had his own way until checked by

(1) [Ed.] Members of the Supreme Council, consisting of three Ordinary Members, besides the Commander-in-Chief. Lee-Warner, a champion and admirer of Dalhousie, says that he was "uniformly strong and discreet enough to secure a majority on his side."

(2) [Ed.] Dalhousie found a Tartar in General Sir Charles Napier, Commander-in-Chief, who had serious differences of view with the Governor-General, over the administration of the Punjab and other matters and wrote thus:—Was he (Dalhousie) to be told only what was agreeable and soothing to foolish pride? Did he fancy himself Misnar, the Sultan of Eastern tale, whose archers shot down the only soldier of his Army that did not fall prostrate at command?" *Defects, Civil and Military of the Indian Government* by C. J. Napier, edited by W. F. P. Napier).

Dalhousie, writing to Sir John Hobhouse on the 23rd April, 1850, over the question of the compensation for the sepoys' rations in the Punjab, which Napier had altered, declared that "he will not permit the Commander-in-Chief to issue orders altering pay, and so to exercise an authority which does not belong to him, and which is reserved, and properly reserved, for the Governor-General in Council alone." (Lee-Warner; I. p. 331).

the Home Government. Only when emboldened by the hesitation and timidity of the Governor-General, or by the known hostility of the Court of Directors, have the Members of Council presumed to think for themselves on questions of first-rate importance.

And then it must be remembered that no opportunity of argument or objection, remonstrance or reply, was ever allowed, not even a knowledge of the adverse case in preparation against them, not a glance of it, not a hint of it, was in any one instance afforded to the victims of annexation, until the fiat had gone forth.

Sir Bartle Frere,[1] who was the Resident when the Rajah of Sattara died in 1848, was strongly impressed with the impropriety and iniquity of the intention, clearly manifested from the first by Government on that occasion of deciding the question of the ~~continuance or~~ lapse of the State, without the slightest reference to the claimants or any communication with the Rajah's family; and he protested against it in the following terms:

"I would take this opportunity of respectfully, but very earnestly, pressing on Government the risk of pronouncing any final decision, whether in favour of one adoption against another, or of the British Government against both, and against all other claimants, without allowing every party, whose

(1) Now Governor of Bombay.—(Additional note by Ed.) Frere was appointed Resident at Satara in 1846; on its annexation (1848-49), to which he was strongly opposed, he was appointed its Commissioner. He was Chief Commissioner in Sind in 1850-9, and later, member of the Governor-General's Council (1859-62). He became the Governor of Bombay in 1862 and, after retirement, was member of the Council of India (1867-77) and Governor of the Cape and High Commissioner of South Africa (1877-80). He wrote a number of papers on questions connected with India.

Sir Bartle Frere was away from Satara at the time of Raja Appa Sahib's death in April, 1848. Dr. Murray, the Civil Surgeon, was present at the Raja's death-bed when a boy was adopted by the dying ruler and was exhorted to testify to the Resident the fact of the adoption. Frere and Sir George Clerk, the Governor of Bombay, were of the opinion that Government should confirm the adoption and allow the adopted boy to succeed.

claim may be negatived, the fullest possible opportunity not only of himself stating the grounds of his own claim, but of answering all objections.

"It may be that both sides of the case have been already very fully argued in the proceedings of Government; but no man is likely to admit the justice of a decision which negatives a claim to an inheritance when his case has been nowhere stated but by the counsel for his opponent, and when he, the defeated party, has had no opportunity of answering the objections taken to his claim.

"Moreover, in the possible case of the ultimate decison being in favour of the lapse to the British Government, that opponent will have necessarily been judge in his own case. It is surely not desirable to add to the necessary and inevitable invidiousness of such a position, the circumstance of the judge having been also the self-constituted counsel for the defeated party."[1]

This bold and honest warning failed to produce any effect upon Lord Dalhousie, and the Government, acting as plaintiff, counsel for both sides, and judge, gave a summary *ex parte* decree in its own favour, ejected the Sattara Family, sold them up, pensioned them off, and thus fabricated the precedent which was used for the extinction of the Jhansi, Nagpore, and Tanjore principalities.[2]

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(1) Parliamentary Papers, Sattara, 1849, p. 199—120.

(2) [Ed.] Even when Lord Dalhousie's mind was open, Sir John Hobhouse, the President of the Board of Control, wrote on the 24th December, 1847, that no adoption should be permitted and added:—"and if the question is decided in my day,...I shall leave no stone unturned to bring about that result." Hobhouse wrote some months later that George Thompson and other members of the Commons were agitating in favour of an adoption and that he was wearied of the whole thing. Lee-Warner remarks that although Dalhousie never sheltered himself under Hobhouse's wish and pressure, his critics ought in honesty to have referred to it; (Vol. II. p. 158). But Dalhousie wrote of Satara thus:—"The territories lie in the very heart of our own possessions. They are interposed between two principal military stations...The district is fertile and the revenues productive; The population, accustomed for some time to peace and regular government, are tranquil themselves and prepared for the regular government our possession of the territory would give." (J. B. Norton *pp.* 74–5.)

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The Ranees of Nagpore were treated in exactly the same manner as those of Sattara. They were never invited to express an opinion on the subject of the succession; and the grounds of the decision of Government, annihilating their sovereignty and their family, were never communicated to them. They were abruptly told that there was no heir to the *musnud*, and that the Rajah's dominions had "reverted to the British Government,"[1] and not another word of explanation was vouchsafed to them. A year or so after the annexation, they were able, in common with the general public, to inspect Lord Dalhousie's Minute of the 28th January 1854, penned about a month after the Rajah's death, in which his grand-nephew and heir, their adopted son, is styled, "a Mahratta youth," and "a stranger;" and in which, without any enquiry having been made, without any facts or information whatever, but by a purely *a priori* argument,—evolved, we must suppose, "from the depths of his moral consciousness," just as the German philosopher constructed the ideal elephant,—Lord Dalhousie proved, to the satisfaction of Mr. Halliday and Mr. Dorin, that the Ranees' natural jealousies, "their feelings and interests," must make them averse to the continuance of the Raj in the person of an adopted son, and that it would really be inhuman to encourage them to adopt.[2]

1. Papers relating to the Rajah of Berar, 1854, p. 37.—[Ed.] Annapurna Bai & Banka Bai, the widow and the mother of the deceased Raghuji Bhonsle, had frequently requested the Resident to be permitted to adopt a successor and transmitted three memorials to the Governor-General, requesting permission to adopt a son agreeably to the treaty and according to such terms as might be arranged; (letter of the Ranis' Vakil, Hanmant Rao, to the Governor-General) quoted in Arnold. Vol. II. p. 162.

Thus, while the Governor-General refused to acknowledge a regular adoption in Satara, he escheated Nagpur, because the adoption was not regular (*ibid.* p. 158).

(2) Papers relating to the Rajah of Berar: pp. 25-26.—[Ed.] This conclusion is based on Dalhousie's comment on the Rani Banka Bai's letter, that she nowhere attempted to assert or even to name the existence of any heir to the throne; and that he regarded her petition as "strongly corroborative, or rather, as I should say, conclusive proof of the facts on which the Government of India relied when it discussed the policy to be pursued towards Nagpore."

And in that painful case of the succession to the Carnatic musnud, which has naturally excited more interest at Madras than any of the other instances I have mentioned, and which was the subject of the petition to Parliament adopted at the native meeting held on the 15th of this month, the same measure of fairness and candour was meted out to Prince Azeem Jah.[1] This Prince, the son of the reigning Nawab with whom the treaty of 1801 was made, himself officially recognised by the Court of Directors in 1829, and by Lord Tweeddale's Government in 1843, as "next in succession to the musnud," has never been allowed by Government to obtain the slightest insight into the grounds on which his rights were assailed, and would never have known anything about them, but for the Parliamentary Papers printed in April 1860. And in that same publication, which revealed to him the preposterous prevarications by which he was deprived of his inheritance,[2] Prince Azeem Jah also found himself repre-

(1) Prince Azim Jah had acted as Regent for his young nephew, Nawab Ghulam Muhammad Ghaus, till 1842 when the latter was installed as Nawab by Lord Elphinstone. On several occasions, Azim Jah had been recognised as the next heir to the *musnad* of the Carnatic.

(2) Lord Dalhousie's reason was couched in the following pithy para:—"As the treaty by which the *masnud* of the Carnatic was conferred on His Highness' predecessor, was purely a personal one, as the Nabob had left no male heir, and as both he and his family had disreputably abused the dignity of their position and the large share of the public revenue which had been allotted to them, the Court of Directors had been advised to place the title of Nabob in abeyance, granting fitting pensions to the several members of the Catnatic family." The second reason that there was no male heir left was subsequently withdrawn in Parliament where it was admitted that the male heir was Prince Azim Jah. The third reason is largely a matter of opinion.

The following table will make the succession of the Nawabs clear.

Muhammad Ali, Wallajah (1749—1795)

Nawab Umdat-ul-Umara (1795–1801)

Amir-ul-Umara

Nawab Aziam-ud-Daulah (1801—1819)

Nawab Azam Jah (1820—1825)

Prince Azim Jah

Nawab Ghulam Muhammad Ghaus (1825—1855)

sented to Parliament and the public by Sir Charles Trevelyan and the Secretary of State "as perfectly understanding and acquiescing in his new position," and as "having abandoned the chimerical idea of the restoration of the Nawabship, and accepted his position as the first native nobleman of Madras."[1] And yet up to that time he had, as he has up to this day, steadily refused to touch one rupee of the stipend allotted to him, and had never ceased, to the best of his ability and means, to maintain and uphold this manifest right. "Litera Scripta manet." There stands this prodigious statement, the last item in the Parlimentary Papers of April 1860, and a fitting tag and tail-piece to a collection containing such unscrupulous Minutes as those of Lord Harris and Lord Dalhousie.

This supposititious acquiescence, this convenient transmutation of *submission* into *admission*, will be found to be one of the favourite rhetorical artifices of our acquisitive politicians, one of the most frequent forms in which "words of equivocal meaning" are applied by them with cruel, though ephemeral, effect. I say ephemeral, for the truth must come out at last; and whatever may have hitherto been the delusion on that point, it will soon be known to Her Majesty's Government that Prince Azeem Jah has never acquiesced in the disinheritance of himself and his children, and in their reduction from the rank of Princes to that of pensioners at will;[2] and that not only the Mussalman community, but the Hindoos of all classes, have never ceased to take a strong interest in the case, or to hope that justice may yet be done to the family of Wallajah.

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1. Carnatic Papers, 1860; p. 50.

(2) In 1867, the title of 'Prince of Arcot' was conferred on Azim Jah and his successors. The *Amir Mahal* in Royapettah was built by Government as the Prince's residence on ground formerly belonging to the Nawabs.

LETTER III

THE CARNATIC

Madras, *June* 21st, 1861.

There was no family in India to which we were so much indebted, to which we were bound by so many reiterated promises, conveyed even in autograph royal letters,[1] as that of the Nawabs of the Carnatic. Here is an extract from a Minute by the President of Fort Saint George in Council, dated 4th February, 1779:—"All attention and support is certainly due to the Nabob as our old and faithful ally, connected with us by every tie, and demanding from us every indulgence;" and the Minute concludes with these memorable words—"who, with his family, it is to be wished, may long remain instances of our national faith."

A contemporary historian, who was personally acquainted with the Nawab Mahomed Ali Wallajah, may enable us to form a fair idea of the estimation in which that Prince's character was held by our countrymen in Southern India, at the close of the great contest between the French and English, and of the value they attributed to his past services and to his continued friendship. "In the Deccan, the British are almost as powerful as in Bengal. We support Mahommed Ali as Nabob of the Carnatic, and he defrays the expense of our army in defence of his own country. There is in a manner no separate interest between the Nabob and the Company. It is from him they derive their consequence in the Carnatic, and it is by their force he is maintained in his government."

(1) Letter from King George to the Nawab Walajah sent through Sir Robert Harland, dated 7th April, 1772, quoted fully below; and others.

"Mahomed Ali's manner attaches the stranger to him, and commands the friend. The first rarely sees him without feeling an immediate interest in his welfare; and the latter has never been known to desert him. Calm, affable and full of dignity, he has improved the elevated passions of the Asiatic with what is amiable in the character of the European. The duplicity of the East is lost in the good heart of Mahomed Ali. He is possessed of ambition, without any of those vices which too frequently attend that passion; and his policy is never unworthy of the magnanimity of a virtuous Prince. 'A great man,' says Mahomed Ali, 'may conceal his sentiments, but never ought to deceive. It was my fortune to place the way of rectitude before me in my youth, and I never deviated into the paths of deception. I met the British with that openness which they love; and it is my honour, as well as security, to be the ally of a nation composed of princes.' This was his declaration at the conclusion of the late war, when he was put in peaceble possession of the Carnatic; and these were his sentiments when, at the head of his father's army, he rejected the offers of France, and saved the very being of the Company by raising the siege of Fort St. David."[1]

Sir Thomas Rumbold, Governor of Madras, writing in January 1780, remarks, as follows, on the advantages derived from the Nawab's friendship:—

"It is unquestionably to this influence that we are indebted for a great part of our prosperity, for our success against the

1. Dows' *Hindostan*, 1770, vol. 11, p. 397.—[Ed.] Burhanud-din, author of the *Tuzuk-i-Walajahi*, makes out this initial help to be one of great significance. He also expatiates at length upon the virtues of this prince.

[Ed.] Dow adds in the third edition of his *History*, that "the greatest encomium upon his character is his being able to have struggled, with success, during the space of eighteen years, against the avaricious and revengeful passions of the Europeans, without losing his dominions, or forfeiting his faith to the British nation." The historian also adds that the cursory mention made of Muhammad Ali, in the first edition of his book was a great defect, as that prince was so well known and so much esteemed in Europe. Also the picture of the Nawab that he presents is due "to a person who had a perfect view of the original."

the French in India in the last war, and for the decisive stroke made against them so early in the present war, to which, as affairs have since turned out, we owe perhaps our present existence in the East."[1]

It may be said that the Nawab derived great advantage from the alliance; and that he owed his recognition as a Sovereign Prince to our powerful influence. But, in the first place, it must be replied that not one of the Nawabs has ever denied his obligations to us; all that they have asked for is reciprocity; and, in the second place, it is to be observed that the French set up Chunda Saheb as a rival Nawab, not from any enmity to Mahomed Ali, to whom they made repeated overtures, but solely as a means of annoying and attacking us, who were chiefly supported by Mahomed Ali's assistance.

The services rendered by the Nawab Wallajah are acknowledged in the following terms by the Court of Directors in a letter to His Highness, dated the 1st of June 1764. The Directors say:— "The assurances Mr. Pigot, our late Governor of Madras, has given us of your continued attachment to the Company, and the strong proofs you have yourself produced of your generous attention and good will, in taking on yourself the whole charges of the sieges of Madras and Pondicherry, and in the grants[2] you

(1) [Ed.] During Rumbold's administration, (1778—80), Pondicherry and Mahe were taken from the French by Sir Hector Munro. For the capture of Pondicherry Rumbold received the special thanks of the Directors and was created a baronet. He set sail from Madras in April, 1780, shortly before Hyder Ali's descent into the Carnatic.

(2) [Ed.] Before resigning the Governorship of Madras (October, 1763), Pigot had induced the Nawab to issue unconditional *sanads* to the Company, granting it territories worth annually 14 lakhs of rupees. Pigot declared that the "Company do not take anything from you; but they are the givers and you are a receiver."

After Lally's siege of Madras was raised, Muhammad Ali paid for the cost of its defence, "because it was the residence of his friends." After Coote's capture of Pondicherry, he was asked to pay for its siege on the ground that it was the residence of his enemies. The Nawab agreed to pay, but wanted the stores of Pondicherry to be given over to him. But the Court of Directors sent orders to cancel the sum thus credited. Later Pigot wrote to the Rajah of Tanjore, in January 1763, that "It will always give me great concern to be obliged to spill human blood or forcibly

have lately made to the Company of lands in the vicinity of Madras, are pleasing and acceptable to us in the highest degree. We are at a loss how to express our acknowledgments otherwise than by the strongest assurance of our firm intention to prove to you at once the sincerity of our past and the warmth of our present friendship, by supporting you in the most effectual manner in your government, and by endeavouring as much as in us lies *to perpetuate the succession thereof in the direct line of your family*." Prince Azeem Jah is a direct lineal descendant in the male line of the Nawab Wallajah.

And this promise was renewed in a higher quarter.[1] An autograph letter from his Majesty George III to the Nawab Wallajah, dated the 19th March 1771, is couched in the following terms :—

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dispossess any prince of his country; but rebels must be punished, if they will not hear reason." To the Nawab, he wrote in May, "I consider the Rajah of Tanjore as a sovereign prince; it is a custom when two States disagree, to call in a third to judge between them. I offered myself as such and therefore the treaty must be conducted by me. I act as mediator; the affair cannot, according to custom, be discussed in your durbar." The treaty was dictated by Governor Pigot; and when the Nawab refused to subscribe. "Pigot seized his *chop* and with his own hand in the Nawab's presence affixed the stamp to the deed." (Beckles Willson's *Ledger and Sword*; Vol. II. pp. 165–6) When a present of four lakhs was made by the Tanjore Rajah, the Directors claimed it for the Company for its interposition and guarantee of the treaty.

When Pigot left for Europe, he consented to become the Nawab's agent in England at an annual salary of 12,000 pagodas.

The Nawab had been mentioned as an ally of Great Britain in the Treaty of Paris, but he was kept in ignorance of the passage relating to his "entire possession of the Carnatic." "The managers of the affairs of the Company at home as well as their servants abroad, had industriously concealed from that prince the nature and import of that article for several years...Though that prince had obtained, at length, some knowledge of the nature of the guarantee, which secured to him the possession of the Carnatic, he had found it almost impossible to avail himself of that knowledge." Sir John Macpherson, 1799.

(1) [Ed.] John Macpherson, purser in one of the Company's ships, was appointed by the Nawab to go to England as his agent and seek the King's protection as against the Company. In 1768, Macpherson approached the Premier; and he was successful in his mission. Sir John Lindsay was sent to Madras in the double capacity of Naval Commander-in-Chief and Minister Plenipotentiary at the court of the Nawab, having power to treat with Indian Princes. The King's letter, entrusted to Lindsay, was countersigned by Chatham; and it assured the Nawab of royal protection and friendly assistance; and it empowered Lindsay to demand a full account of the Nawab's transactions with the Company since the Treaty of Paris, and not only redress past evils, but prevent future oppressions. Lindsay's assumptions were angrily resisted by the Madras Council; but he persisted in his *role* of King's Plenipotentiary

"We received from the hands of our East India Company, in July last, your letter, accompanied with your different presents. We shall look upon the picture of yourself and your children with pleasure, as it will put us continually in mind of that affection which you have always shown towards us, and which we have no doubt will be hereditary in your offspring, as we are satisfied that *our friendship and protection to you and your posterity will descend through our successors from generation to generation.* That we may the more readily afford it, in any circumstances which may arise to you, and to our company, whose interest we look upon as inseverable, and whom we wish to link together, in an indissoluble knot, by our Royal hand, we have thought fit to send a great force of our ships of war into the seas of India; and having occasion in our own kingdom for the services of our late Commander-in-Chief and Plenipotentiary, Sir John Lindsay, we have appointed to the command of our fleet Sir Robert Harland, Baronet, one of the Admirals of our Navy, and have made him our Plenipotentiary to you, ordering him to deliver you this letter, and present to

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for some time. The Nawab was delighted getting in over Lindsay to oppose Haidar Ali whom the Madras Council were doing their best to propitiate. He, however, did not conceal from the Ambassador the fact that "he was still afraid to avail himself of the protection of the Crown of England against men who might continue to possess that power under the vigour of which he had already so much suffered." The Court of Directors vehemently protested against the course taken by the Ministry in bestowing plenipotentiary powers on Sir John Lindsay, the first information of which they received from Madras.

In their instructions to the Commissioners, dated 15th September, 1769, the Directors themselves enjoined them "to provide effectually for the honour and security of their faithful ally, Mohammed Ali, Nawab of Arcot." They added: When we reflect on the long experience we have had of Mohammed Ali's faithful attachment to the English Company, we are surprised at the idea entertained by the Governor and Council, in their letters of the 8th March and 31st June 1768, to reduce him to a mere nominal Nawab. The sanction of the Treaty of Paris by which treaty public faith became the guarantee of the Nawab's title, will be of little use to him, if notorious infringements of the rights and powers usually inherent in and dependent on such title, should be by us countenanced and permitted to take place. More especially as, perhaps, we might thereby involve ourselves in the very disagreeable necessity of answering at some future period, for the infraction of a public treaty for the consequence thereof." A copy of these instructions was shown to the King, protesting the Company's reasonableness and answering that the charge was baseless that they were unjust or unfair to the Nawab. "The Company naturally felt it would be most impolitic not to deprecate the royal disfavour when fair words to its Indian dependent was its only cost." The ship which carried the Commissioners foundered at sea. Nothing more was heard of the instructions.

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you a pair of pistols, out of our private armoury, and some cloths of the manufacture of our country, which we pray you to accept as a token of the continuance of our esteem, of which you will be fully assured by our Plenipotentiary; and we desire that you put entire confidence in whatever he shall say in our name. And so repeating our wishes for your prosperity, we bid you heartily farewell. Given at our Court at St. James's, the 19th day of March one thousand seven hundred and seventy one, and in the eleventh year of our Reign.

Your affectionate Friend,
"George R"

The gulf that divided the Company's protestations from its real attitude is seen in the following quotation taken from its letter, dated 10th April 1770, to the Madras Council: "As to what relates to the Nawab and the conduct which you are to hold in the present parts of India, a great deal must be left to your decision on the spot. You have certainly more knowledge than we, of coming at the true knowledge of the causes, the origin and the tendency of disputes, as on a sudden arise among the powers of India, as of relations of interest in which we stand to them."

When the Company applied in 1771 to Lord North for a squadron of ships, and got it to sail for India, Sir Robert Harland, its Commander, was entrusted by the King with the same plenipotentiary powers to the princes of India, as had been given to Lindsay in 1769. He was particularly commissioned to inquire how far the 11th article of the Treaty of Paris had been complied with and to treat with any of the princes and powers of India to whom that article might relate. In his second letter to the Nawab, the King was pleased "to express his confidence in the Company and his desire to connect them inseparably with that Prince." Harland arrived at Madras in September 1771; and he communicated to the Council the King's further desire that "you (Harland) will represent in the freest manner to the Governor and Council of Madras, any complaints which in your judgment shall be well-founded, that may be made by the Nabob of Arcot and transmit to us the earliest intelligence thereof, with your sentiments thereon."

The Madras Council resented this royal interference productive of embarrassments. The Nawab wrote to King George, at Harland's instance, and got a much-prized reply in the royal holograph, dated 7th April, 1772:—"We received with pleasure your letter in which you express to us your gratitude for the additional naval force which we have sent for your security...and your confidence that we shall tread in the footsteps of our royal grandfather, by granting protection to you and your family. We have given our commander-in-chief and plenipotentiary, Sir Robert Harland, our instructions for that purpose, and we flatter ourselves that we will reconcile the differences that have arisen between you and the Company's servants against your mutual interest. It gave us satisfaction to hear that the Governor and Council of Madras had sent the Company's troops with yours, to reduce your tributary, the Rajah of Tanjore to that obedience, in which, we hope, by the blessing of God, they shall be successful; and so we bid you farewell, wishing health and prosperity to you and your family."

"Given at our court of St. James's the 7th day of April, 1772, in the 12th year of our reign,

Your affectionate friend,
"GEORGE R."

Thirty-three years later, the venerable King in reply to the Nawab Azeem-ood-dowlah's letter announcing his accession and after that new treaty had been made, by which, if we are to believe Lord Harris, the hereditary rights of the family were resigned for ever—once more declared his gracious intention towards the Wallajah family in the following terms :—

Harland's differences with the Madras Government became very acute; and he finally departed, on the outbreak of the monsoon in 1772, for Bombay, without having neither offered to the Governor, nor received from him, the courtesies usual on such occasions. Harland was even more intemperate than his predecessor; and according to Mill, he created "rather more animosity in his opponents."

Regarding the expedition against Tanjore, Muhammad Ali called upon the Madras Government, "with unusual force and boldness of importunity, to make war upon the Raja; as the honour of his Government was concerned in chastising a refractory dependant; and the honour of the Company's Government was concerned in supporting a faithful ally. Sir John Lindsay vehemently urged the same conclusions, not without reproaches, that the Presidency were betraying the Nawab; and violating their duty, by even deferring the assistance which he required." (*Mill*—Book V Ch. IV. p. 64 of Vol. IV [1858 *ed*.]

For the Nawab's version see the *Tuzuk-i-Walajahi* of Burhanu'd-din, translated by Mr. Md. Husain Nainar, Senior Lecturer in the Islamic section, Oriental Research Institute of the University of Madras. In Book I of the above work, in the chapter entitled, 'The Farman of Hazrat Ala in reply to Dupleix,' the author, Burhanu'd-din who compiled his work in A. H. 1195, celebrating the achievements of Nawab Muhammad Ali, says: "The union and friendship between Hazrat Ala (Muhammad Ali) and the English is maintained till to-day. The fame of this union pervades throughout the provinces in the continent like the spirit in the body. For the two Padshahs of Islam (Sultan of Turkey) and of England (King George III) had sent letters of friendship and union with the title of 'brother' to Hazrat Ala and with the following contents :—"As long as the authority of England continues in our descendants and the administration of Hazrat Ala in the Carnatic is firm, generation after generation, the friendship and union will be permanent and firm between the two powers (England and the Carnatic). This will continue so long as the chain of descent on both sides is kept unbroken." The narrative continues that "the authorities of the East India Company had also sent letters of kindness bearing the contents of covenants and treaties along with inestimable presents; and though some of the Governors of Chennapatnam (Madras) like Lord Pigot and Lord Macartney sometimes behaved towards Hazrat Ala, contrary to the courtesy and unity negativing the ancient rights, yet the right thinkers, knowers of truth about the Nawab's activities both open and hidden, the subtle seers of disputes in all its details, *viz.*; the most elegant people in the capital of England, the Sirdars of the Padshah (King George III) the wise men in the Parliament and the Directorate of the Company ordered what was right and correct and did not approve of the actions of the said two Lords and others."

"Once at the open assembly in Chennapatnam, General Coote, the Sirdar, disputed with Lord Macartney thus :—"It is not the manner of the wise to wound the feelings of a benefactor. As far as possible, there must be consideration for him (Hazrat Ala)." Lord Macartney replied :—"On the face of justice we have got right over him, for without our support, it is impossible for him to maintain his rule." Coote retorted :—'Myself and General (Stringer) Lawrence have been in this country for a long time. We have perfect knowledge of these disputes from the very beginning. I have heard much from General Lawrence and others. We know much more of the past realities than you. Though our people help him in all affairs, yet we have found suitable wages and presents to the extent of our labour and realised the advantages of such a

"We congratulate your Highness on your accession to the musnud of your ancestors, on which may you long remain with honour and happiness. Your Highness may be assured that we shall seize every occasion of affording you proofs of regard, and of continuing to your Highness and to your family our especial friendship and protection." This letter is dated "at our Court at St. James's, the 27th day of January, 1804, and in the 44th year of our Reign,"; and Prince Azeem Jah, the son and representative of Azeem-ood-dowlah, to whom this letter was addressed,—and who was then a living member of the family to whom the royal friendship and protection were promised,—now claims "the friendship and protection" of the representative and successor of George III. I do not believe that he will meet with a refusal. No member of the Wallajah family has done anything since those letters were written to merit the loss of that royal protection which is promised to them.

It is difficult to know where and how to begin with a refutation of the various pleas by which Lord Harris, in his minute of the 25th October, 1855,[1] attempts to overthrow the rights of Prince Azeem Jah to succeed to that rank, dignity and revenue, for the perpetual security of which to their descendants, his predecessors entrusted all their possessions and resigned all their

help. But his kindness to our people especially in three difficulties is such as cannot be repaid: (1) at the time when M. Dupleix attacked Devanampatnam (Fort St. David) after subjugating Chennapatnam (Madras) in 1746–47; (2) at the time when Nawab Nizam-ud-daula Nasir Jang expelled the English army from the place of Tiruviti, nay, more than that, the said Nawab had commissioned Abdul Nabi Khan and Himmat Bahadur Khan, the Sirdars of Cuddapah and Kurnool, to capture Chennapatnam in 1750; and (3) at the time when M. Lally, after capturing the fort of Devanampatnam, marched on to storm the Fort of Chennapatnam in 1758. Thus, his help and support on these three occasions is the reason for the establishment of the English nation to-day in this country of Hindustan. But for this help, the French, instead of our people, would be all-powerful in the affairs of this country."..."When those in the assembly listened to this speech by that *sirdar* (Coote) of old age, Lord Macartney and others dispersed without giving assent to it."

1. Papers relating to the Nawab of the Carnatic, 1860, p. 12.

power to the British Government. I feel more inclined to search for excuses for poor Lord Harris,[1] than to weary and disgust my readers with the monotony of repeated and direct contradictions on points of fact which must form the staple of my remarks. The Parliamentary Papers present to us the humiliating picture of the Governor of Madras, a feeble journeyman in the Dalhousie forge, working under the very eye and rod of the great master himself, to pick the locks and burst the bars of those solemn treaties[2] and engagements which were expressly framed as a protection of the perpetual rights of the weak against the changing interests and policy of the strong.

The late Nawab of the Carnatic died on the 7th October, 1855. Lord Dalhousie was then residing at Ootacamund, and lost no time in communicating his views and expectations to the Government of Madras. On the 23rd October Mr. Secretary Edmonstone writes on the subject, and even while asking for information "as to what passed at the several accessions to the musnud subsequent to the treaty of 1801"—his letter contains the following paragraphs:—

"3. The late Nawab, the Governor General observes, has left no son, so that there is no direct heir to the musnud.

(1) [Ed.] Lord Harris is thus described by the contemporary writer, John Bruce Norton:—" He stands almost isolated; he has not a friend of any strength of judgment about him on whom he can rely; it is said that, even in matters wherein he might express an independent opinion, he has followed in the wake of the Governor-General.

The stronger mind perhaps drew after it the weaker and Lord Harris might have hastily coincided with the decisive opinions of his superior. Norton felt that, perhaps, Lord Harris might not have had before him the full legal merits of the case at the time he wrote. Also, he was not certain whether the law officers of the Company were consulted in such important matters as the construction of treaties and questions of the Muhammadan law of succession (*Rebellion in India:—pp.* 100—101).

(2) [Ed.] Lord Dalhousie termed the treaty of 1801 an exclusively personal one, because it was made only with the former reigning Nawab, not with his heirs and successors. The treaty was made for public objects; it provided for mutual defence against enemies. "Several descents have been lost since, and several heirs have succeeded under it to the Musnud, with the recognition of the East India Company, without any fresh treaty being entered into." (Norton, *p.* 102.)

"6. Under these circumstances his Lordship apprehends that the future disposal of the title of Nawab of the Carnatic must be the subject of immediate and grave consideration.

"7. In the meantime, his Lordship assumes, as a matter of course, that, until the question regarding the vacant musnud shall have been considered and decided, the Government of Madras will not recognise any one to represent himself as successor to the late Nawab of the Carnatic."

A foregone conclusion is distinctly noted here, and it was accepted as the Governor-General's instructions; the domineering influence at the Hills could not be resisted at Madras. How could Lord Harris strain at such a gnat as the "titular" Nabobship of the Carnatic, "a mere pageant," as he himself called it, when Lord Dalhousie had swallowed so eagerly and so easily the camels of Sattara, Jaloun and Jhansi, an important State like Nagpore, and was known to have decided on the deglutition of Oude? In such a case hesitation was impossible. On the 25th October Lord Harris recorded his Minute;[1] early in November Lord Dalhousie arrived at Madras from Ootacamund, took his seat in Council, and expressed his entire concurrence with "that full, able and conclusive paper."

(1) [Ed.] The Minute became the basis of subsequent arrangements. It maintained that the Company was not bound by any act or deed to maintain the hereditary succession of the Nawabs of the Carnatic, so long as the family continued to exist. On the death of Nawab Azim-ud-daula (1819), the Government of Madras had pointed out to the Governor-General that they were not authorised by the treaty of 1801 to acknowledge any successor. Though the throne (*masnad*) had been allowed to descend in regular succession in two instances from father to son—Nawab Azam Jah (1820—25) and Nawab Ghulam Muhammad Ghaus (1825—55),—these acts did not bind the Government to continue it when that succession had failed, as in the present instance, when Nawab Ghulam Muhammad Ghaus left no son and there was only his paternal uncle, Prince Azim Jah. On ground of expediency also, Lord Harris objected to the perpetuation of the Nawabship. "The semblance of royalty without any of its power, was a mockery of authority which must necessarily be pernicious. It was not merely anomalous, but prejudicial to the community, that a separate authority not amenable to the laws, should be permitted to exist. This pageant, though hitherto harmless, might at any time become a nucleus of sedition and agitation. Moreover, the habits of life and the course of proceeding of the Nabobs had been morally most injurious and tended to bring high station into disrepute and favoured

Lord Harris desires to prove, firstly, that the Nawab Azeem-ood-dowlah, with whom the treaty of 1801 was concluded, and his successors, Azum-Jah, his son, and Mahomed Ghous, his grandson, the late Nawab, were not hereditary Princes, but (para 46) merely "dependents of rank," to whom "the sovereign power" chose to grant, certain rights, privileges and allowances, which "the sovereign power had undoubtedly the right to rescind"[1] at any time: and secondly, that the treaty of 1801 was merely "a personal treaty" with Azeem-ood-dowlah, and that as there was no mention in it of "heirs and successors," it was not binding on the British Government after his death, although "as a matter of grace and favour" they permitted his son and grandson to succeed to the musnud.

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the accumulation of an idle and dissipated population in the chief city of the Presidency." (J. C. Marshman's *History of India*; Vol. III; *p.* 404.)

The Minute of Lord Harris, dated 25th October 1855, interpreted the words "for settling the succession to the *soubadarry* of the territories of Arcot," occurring in the end of the Preamble to the Treaty of 1801, as not contemplating any hereditary succession and as referring only to the filling up of the "musnud of the Soubadarry of Arcot having become vacant," with the appointment of Nawab Azimu'd-daula to it.

Lord Dalhousie recorded his entire concurrence in the arguments and conclusions of the Madras Governor which were supported by Sir Henry Montgomery; and he embodied his views in a minute in which he declared himself emphatically against shadowy rulers and based his opinion on four reasons:—

(1) on the general principle that the semblance of royalty without any of the power is a mockery of authority which must be pernicious;

(2) because though there is virtually no divided rule or co-ordinate authority in the government of the country (for these points were finally settled by the Treaty of 1801), yet some appearance of so baneful a system is still kept up by the continuance of a *quasi*-royal family and court;

(3) because the legislation of the country being solely in the hands of the hanourable Court, it is not only anomalous, but prejudicial to the community, that a separate authority, not amenable to the laws, should be permitted to exist;

and (4) because it is impolitic and unwise to allow a pageant to continue, which though it has hitherto been politically harmless, may at any time become a nucleus for sedition and agitation." (Arnold's *Dalhousie's Administration of British India*, Vol. II. *p.* 176.)

1 Carnatic Papers, 1860, p. 13.

To test the correctness of these views we must examine the terms of the treaty of 1801 ; we find in the preamble that "the Prince Azeem-ood-dowlah has been established by the English East India Company *in the rank, property, and possessions of his ancestors,* heretofore Nawabs of the Carnatic." The next question therefore, and the only question to be decided is,—what was the rank of his ancestors "heretofore Nawabs of the Carnatic,"—because, according to the treaty, in *that* rank, the rank of his ancestors, Prince Azeem-ood-dowlah was established. Nor are these words weakened by those immediately following, which speak of "establishing the connection between the contracting parties on *a permanent basis of security in all times to come,*"—not exactly the terms we should expect to find in a personal agreement made for one life only.[1]

Lord Harris however says (par. 69) :—"The hereditary right to the Carnatic, the royal titles and privileges, were assumed and certainly allowed by us ; but I imagine on no authority which could be considered legal for the Mussulman subject of the Mogul."[2] I might stop here, and claim that Lord Harris has here considered the whole question ; for as he admits that "the hereditary right and royal privileges" were possessed by the Nawabs, "and allowed by us", they must have descended to Azeem-ood-dowlah, who was established by the treaty of 1801 in "the rank, property, and possessions of his ancestors."

But let us not be hasty in our judgment ; we will carefully recall the historical facts. The first Nawab of this family,

1. The portion of the Preamble dealing with this topic is this......"Whereas the musnud of the soubadarry of Arcot having become vacant, the Prince Azeem-ul-dowlah Bahadur has been established by the English East India Company in the rank, possessions and property of his ancestors, heretofore Nawabs of the Carnatic ; and whereas the said Company and His Highness the said Prince Azeem ul Dowlah Bahadoor have judged it expedient that additional provisions should at this time be made for the purpose of supplying the defects of all previous engagements, and of establishing the connection between the said contracting parties, on a permanent basis of security, in all times to come......" (*Aitchison* ; (1909) Vol. X : p. 58).

2. Carnatic Papers, 1860, p. 14.

Anwar-ood-deen-Khan,[1] was the Governor of the Carnatic, appointed by the Nizam as his deputy, the Nizam himself being deputed as Subadar of the Deccan by the King of Delhi. Neither appointment was heriditary by the original grant, but the ancient customs of India were in favour of hereditary office, and in the decline of the Empire the great vice-royalties, such as the Deccan, Oude and Bengal, acquired hereditary rights and virtual independence by gradual encroachments and opportune demands, conceded and confirmed in his time of need and difficulty by the Sovereign to whom they still paid ceremonial homage and allegiance, and in some cases tribute. And thus the Mahratta Rajahs, originally Subadars, feudatories and tributaries of the Peishwa, and in Europe the Electors, Markgraves and Counts of the Holy Roman Empire, by the same or an analogous process, became by degrees hereditary Princes, with sovereign jurisdiction within their own territorial limits, and owing merely a federal supremacy in the great monarch who was at first their absolute lord and master.

The founder of the dynasty, Anwar-ood-deen Khan, though by no means an immaculate character, was always friendly with the English; and in 1746 protected our settlements at Madras and Cuddalore, when the French had gained a temporary

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(1) Anwaru'd-din Khan who got the title of Bahadur and a *mansab* of 2,000 with 2,000 horse from Aurangzib and the title of Shahamat Jang from Bahadur Shah was further promoted in his *mansab*, granted the title of Siraj-ud-daula and finally appointed to the post of Deputy Wazir, early in Muhammad Shah's reign. He joined Nawab Asaf Jah, Nizamu'l Mulk, in the Deccan in 1724 and was commissioned by the latter to bring to order the sarkars of Chicacole and Rajahmundry. When Nizamu'l Mulk went on the Carnatic expedition in 1743–44, Anwaru'd-din was entrusted with the control of the *subah* of Hyderabad and fought with the Marathas. On the sudden death of Khaja Abdulla Khan, who had been designated by the Nizam to the care of the subah of Arcot, Anwaru'd-din was appointed to the Nizamat of Arcot (1744). Soon after his accession, the boy-prince, Muhammad Sayyid, representative of the family of the Navayat Nawabs who preceded him, was assassinated; and Anwaru'd-din was tainted with suspicion of complicity in the murder, though perhaps without truth.

superiority over our forces by land and sea.[1] Anwar-ood-deen was killed at a very advanced age in the battle of Amboor, on the 3rd of August 1749, fought against the French and Chunda Sahib, who had been set by them as a pretender to the Nawab-ship, with a view to the destruction of the British influence.

The inordinate ambition of the French, and the avowed designs of Dupleix had, by this time, completely alarmed the Honourable Company's Governors at the three Presidencies. It was evident that, under colour of supporting the pretensions of a native Prince, the French were forming the most extensive scheme of territorial aggrandisement. Nothing remained for us but to contend against these powerful enemies with their own weapons, by supporting a rival candidate for the rule of the Carnatic. Actuated by these motives, we embraced Mahomed Ali's proposals, and took up arms ostensibly in his cause, but really in our own. Our efforts were successful; and the title of our ally was fully recognised by the King of France in Article XI of the treaty concluded at Paris in 1763.[1]

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(1) [Ed.] The Nawab wrote in 1745 to Madras to forbid hostilities with the French, in July, and repeated his injunctions in August. He came to San Thome, when Commodore Barnett was on the Coromandel Coast. Governor Morse wrote to him in March 1746 to which the Nawab replied:—"This pleases me highly and I assure you that your behaviour in every ,respect is very satisfactory to me." (Madras Records. P. C. Vol. LXXVI, April 3, 1746). Shortly before La Bourdonnais' attack, the Nawab gave assurances to Dupleix which produce "an impression of inconsistency and a desire to please both parties without being sincere to either." After the French capture of Madras, a letter written by Maphuz Khan; a son of the Nawab, enjoined on the French to evacuate the place and depart in their ships under threat of an invasion. Maphuz Khan prepared to carry out his threat, soon after La Bourdonnais left the coast with his fleet. After the French rout of Maphuz Khan's troops at the battle of the Adyar, Anwaru'd-din ordered his third son, Muhammad Ali, to go to the aid of the English and Fort St. David. The so-called First French Attack on Fort St. David fought an action with Muhammad Ali's cavalry and had to retreat with some loss (Decr. 1746). This victory is deemed by Burhanu'd-din, the author of the *Tuzuk-i-Walajahi*, as the first formation of the union and friendship between Muhammad Ali and the English; and he follows this up with an enumeration of the various subsequent occasions on which the Nawab saved the English from destruction. (Paper on *Nawab Anwaru'd-din Khan of the Carnatic* by C. S. Srinivasachari, in the *Proceedings of the Indian Historical Records Commission, Vol. XIII*).

1. Martens, Recueil de Traites, tome i. p. 113

In pursuance of the same policy we obtained in 1765, after much negotiation, a complete release and acquittance of Mahomed Ali from all dependence upon the allegiance to his original superior the Nizam, and his exaltation by the firman of the King of Delhi to the dignity of hereditary Nawab, with the title of Wallajah Ameer-ool-Hind, or Exalted Prince of India.[1] "No authority, I imagine,"—if Lord Harris will allow me to echo his language with a difference,—'could be considered' more legal for a Mussulman subject of the Mogul."

In October 1774 Wallajah writes to the Court of Directors: "By the blessing of God I am a hereditary Prince, and a firm and steady friend and ally of the King of Great Britain, and am the most attached to the English nation of all the Princes in India." At much later period (18th March 1801), in Omdut-ool-Oomra's time, when some legal difficulty had to be settled, the Madras Government write thus to the Court of Directors:— "We consulted the opinion of the Attorney General upon this case, and informed Mr. Latour that we considered the Nabob of the Carnatic to be an independent Prince".[2]

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(1) [Ed.] Article 7 of the treaty between the Nawab of the Carnatic and the Soubah of the Deccan of February, 1768 says—"The exalted and illustrious Emperor, Shah Allum, having been pleased, out of his great favour and high esteem for the Nawab Wolau Jah, to give and grant to him and his eldest son, Meyen-ool-Moolk Omdet-ool-Omrah and their heirs for ever the Government of the Carnatic Payen Gaut and the countries dependent thereon, by his royal Firmaun, bearing date the 26th of August, 1765, on the 27th of the moon Zuphur, in the sixth year of the said Emperor's reign and the Nawab Ausuph Jah Nizam-ool-Moolk, etc., having also, out of his affection and regard, for the said Nawab Wolau Jah, released him, his son Meyen-ool-Moolk and their heirs, in succession for ever from all dependence on the Deccan, and given him a full discharge of all demands past, present and to come, on the said Carnatic Payengant, by a Sunnud under his hand and seal, dated, the 12th November, 1766......" (Aitchison; Vol. IX, Part I; p. 27).

2. [Ed.] Mr. Francis Latour was given permission by Lord Clive to prosecute in the court of the Recorder at Madras, his demand on a certain property of the Nawab situated within the jurisdiction of that court and mortgaged and transferred to him. After a course of disagreeable correspondence between the Nawab and the Governor, Lord Clive, (*vide pp.* 1-15 of *Records of Fort St. George, Country Correspondence, Political Department*, 1801), the latter wrote as follows:— "your Highness has indeed disclaimed the control of Municipal Laws, and you have

Mohamed Ali Wallajah then was clearly an hereditary Sovereign Prince, and no dependent of the Honourable Company; his son Omdut-ool-Oomra succeeded him, and no new engagement of the Nawab with the East India Company took place during his reign. Azeem-ood-dowlah succeeded his uncle Omdut-ool-Oomra, and was established by the treaty of 1801 "in the rank, property and possessions of his ancestors, heretofore Nawabs of the Carnatic;" and we may call upon Lord Harris and Lord Dalhousie to show how he lost the rank of a hereditary Prince, how and when he was degraded to the position of the Honourable Company's dependent, with rank, privileges and allowances which the Company could rescind at will.

The fullest acknowledgments of his rights and privileges as a Sovereign were repeatedly made, both at Azeem-ood-dowlah's accession and on several occasions during his reign, by all the British authorities. Of these I shall in this place give only two examples. Three years after the treaty of 1801, the Governor of Madras writes to the Nawab Azeem-ood-dowlah in the following terms:—

"The Government was pleased to establish your Highness upon the Throne, reserving to itself the administration of the Civil and Military affairs of the country; a very considerable

appealed to the protection of the Public Law of Nations......I shall always be prepared to protect the Rights of your Highness and those of your family founded on the Law of Nations from any encroachment; and the Laws of England while they confirm the operation of the Law of Nations, provide an adequate punishment for the violators of the Public Law; as far therefore as the rights of your Highness, considered as a Sovereign Prince, are involved, your Highness may rest assured of the strictest attention to guard them from violence. But from the extent of your Highness's property acquired within the jurisdiction of the Court of the Recorder, from the extensive accounts current between your Highness and individuals, from the complicated Traffic in the interest of money arising from your Highness's engagements, and from the actual [ ] of your Highness's property to private persons, many questions may arise, in which the Public Law of Nations cannot avail a Prince in the situation of your Highness. These questions are pregnant with much uneasiness, and embarrassment to your Highness; and as your Highness has not thought it prudent to avoid the discussion of them, it will at least be necessary that you should be prepared to meet the result."

portion of the revenue was appropriated to the support of the rank and dignity of the Sovereign in his former splendour as well as to the no less princely purposes of extensive charity and benevolence."[1]

And nine years later, the Court of Directors write as follows :—" It appears from the report of the Advocate-General, of the 22nd September 1810, that the rights of His Highness the Nabob *as a Sovereign Prince* have been allowed and confirmed by the Supreme Court of Judicature and declared to be exempt from its local jurisdiction."[2]

The closest and most friendly connection subsisted between the Nawab Wallajah and the Company for upwards of thirty years, without any specific treaty or agreement whatever.[3] In 1787 Wallajah concluded a treaty with the East India Company after many solicitations by the Madras Government, in which the subsidy that he was to pay for the maintenance of troops was fixed; and in 1792, the annual payments having proved to be far beyond his means, Lord Cornwallis made a

(1) Letter from Lord W. Bentinck to the Nawab Azeem-ood-dowlah dated the 22nd May 1804; Papers relating to Carnatic Stipendiaries : Madras, 1858, pp. 97-98.

(2) From the Court of Directors to the Government of Madras, dated 23rd of February 1813 ; Carnatic Stipendiaries, Madras, 1858, p. 188. The following extract from Mill's History is also sufficiently explicit :—

" In the Carnatic during the contest with the French, they had upheld Mahomed Ali ; upon the termination of it, they had acknowledged him as the undoubted Sovereign of the country. He was established therefore in the possession of both branches of power, both that of Nazim or the military power, and that of Dewan or the financial power ; and the Company held the station of dependents, possessing their privileges, through his sufferance, and owing obedience to his throne." Mill's *History of India*, edited by Wilson, 1848, Vol. IV ; p. 64.

(3) [Ed.] *Engagements with the Nawab.* Article II of the Treaty of Paris recognised Salabat Jang as the Subhadar of the Deccan and Muhammad Ali as the Nawab of the Carnatic. In 1763, the Nawab conferred on the English, districts yielding an annual revenue of upwards of 4¼ lakhs of pagodas, for which they had obtained a *farman* from the Emperor of Delhi. In the grants given to the English, on the 16th October 1763, of lands yielding over 366,000 pagodas, there were many excepted villages. The Nawab ordered on the 29th October 1763, the inclusion of these excepted villages, with his own endorsement :—" In consideration of the true friendship of the English East India Company and their remaining always in alliance with me, let a *sunnud* for the whole *jaghire* without any exception be made out."

more favourable treaty in 1792, by which the burden upon the Nawab's shoulders was very much lightened. Neither of these treaties contained any cession of territory. Omdut-Ool-Oomra succeeded his father in 1795, and no change whatever in his political relations with the British Government took place during his reign. But at his death a great change was to be effected. It has been the leading object with the British Government for several years before the Nawab's Wallajah's death,"—but more specially since Lord Cornwallis had effectually broken the power of Tippoo in the campaign of 1792,—to obtain the entire civil and military administration of the Carnatic, and to reduce the Nawab, amply endowed with a large share of the revenue as his civil list, to that position of the *porc en engrais* provided for

(Aitchison: Vol. X; p. 26). In 1765, the Great Mughal confirmed the Nawab's grants to the Company in the Carnatic. In 1781, the Nawab made several requests to the Governor-General in Council to which the latter replied; "The rights and authority which the Nawab possesses over his country, his children, his family, his servants and subjects in all the political and domestic administration of his country we will maintain and support." A *sanad* was made out by the Nawab, dated 2nd December, 1781, for the transfer of the revenues of the Carnatic and the power of appointing renters and Amildars to the Governor, Lord Macartney. One-sixth of the revenue was to be paid to the Nawab and the balance was to be placed to his credit with the Company.

In June 1785, a preliminary treaty was concluded with the Nawab, by which the latter consented to pay 16 lakhs of pagodas per annum to the Company who were to be answerable to his private creditors also, the sum to include current charges and territorial security being given for punctual payment.

According to the Treaty of 1787, it was agreed that the Nawab should pay the sum of 9 lakhs for protection in times of peace, besides 12 lakhs for his debts. In times of war, the contracting parties should each pay $\frac{4}{5}$ of their revenues; and in case of failure by the Nawab, certain districts should be assigned as security. The Nawab also relinquished his right of having direct political relations with other Indian States. The Court of Directors altered the sum for the payment for protection in times of peace from 9 to 11 lakhs of pagodas, being 10½ lakhs as the sum proportioned to the revenues and ½ lakh of pagodas paid as tribute by the Raja of Tanjore. The Nawab agreed to this alteration after some demur.

In 1790, it was resolved by the English to take the direct management of the Carnatic, while the war with Mysore lasted. A new treaty was entered into in 1792, according to which the Nawab was to pay 9 lakhs of pagodas yearly; the Carnatic was to be garrisoned British troops; the British should collect the tributes of the *poligars* on behalf of the Nawab; the assignment for his debts should be reduced; and in the event of war, the British should take the entire management of the country.

the Grand Pensionary of France in Sieyes' last and most elaborate constitution,[1] which was so decidedly rejected by Napoleon Bonaparte. This position was rejected with equal decisions of the Nawabs Wallajah and Omdut-ool Oomra, to the great dissatisfaction of the Company, who attributed their obstinate objections to the "perverse counsels" of "interested intriguers".

The instalments of the subsidy were regulary paid during Omdut-ool-Oomra's reign, but the country was said, and probably with truth, to be oppressively and wastefully administered. The Nawab was killing the goose with the golden eggs; the Company alone knew how to make her lay continuously.[2] Soon after Omdut-ool-Oomra's accession, therefore, in 1795, Lord Hobart, then Governor of Madras, vigorously renewed the attempts to induce the Nawab to transfer the Government of the Carnatic to the Company.[3] With this view he wrote several Minutes explaining what he alleged to be the supreme necessity of such transfer, and the Court of Directors, writing on the 31st of August 1797

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(1) [Ed.] Lit: Pig with fattening food. The Abbey Sieyes, who was never at a loss for views and constitutional schemes and became a member of the Consular Commission of November–December, 1799, suggested a constitution with a Grand Elector at the head of the official hierarchy, who was to appoint the two executive chiefs. The Grand Elector was to enjoy an annual grant of 5,000,000 francs and was to personify France. Napoleon rejected the idea, saying :—"The Grand Elector will be a shadow, the colourless shadow of a *roi faineant*......How can you imagine that a man of any talent or activity would consent to settle down like a pig fattening on so many millions?" (*The Cambridge Modern History* Vol. IX. Ch. I. *p*. 4).

(2) [Ed.] The subsidy fixed by the Treaty of 1792 was regularly paid; but the Nawab had to contract heavy loans to meet his liabilities and assigned the revenues of his country to liquidate them. Several attempts including the agreement of August 1800 regarding the *Desha Kaval* and *Stalam Kaval* fees of Tinnevelly, were made.

(3) [Ed.] Lord Hobart planned the seizure of Tinnevelly to liquidate those debts which had been transferred from Nawab Walajah to his son. The Supreme Government disapproved of the measure, but agreed to refer the matter to England. The Directors resolved, in October 1797 to recall the Governor.

Sir John Shore, the Governor-General, had authorised Lord Hobart to propose to Nawab Umdat-ul-Umara, on his accession, the assignment of the entire revenues of his kingdom to the Company. Lord Hobart apprehended the influence of European usurers on the Nawab's resolution and negotiated without Shore's consent for the surrender of only a district. He addressed the Nawab "in terms at once offensive to his deceased father and menacing to himself; by pressing upon him unseasonably the immediate payment of a debt due to the Company and other claims real or disputable...by threatening compulsory measures." Sir John Shore acquiesced in Hobart's proposition, but condemned his conduct "as repugnant to the treaty of

to the President in Council at Madras, use these words :—"We sincerely lament that the Nabob could not be prevailed upon to adopt the modification of the treaty proposed by you" (this modification contemplated the much desired transfer) "and we authorise you to renew the proposition in our name, and you will render a most acceptable service to the Company should you by address, conciliation, and persuasion be successful in procuring his Highness' consent thereto." The Nawab's consent could by no means be procured ; and the payment of the subsidy was punctual, affording no pretext for any summary interference. In 1798, Lord Mornington, afterwards Marquess Wellesley, was appointed Governor-General, and immediately on his arrival at Madras he opened a negotiation with the Nabab with a view

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1792 by which the Nawab's rights were guaranteed—as, in respect to some of the demands pressed on the Nawab, unjustifiable—and as, in fact, involving a breach of faith"; and he maintained that "the magnitude of an advantage could not warrant the prosecution of it by improper means." Hobart appealed to the Directors in justification of his conduct; and Shore, writing to Dundas, the President of the Board of Control, on January 12, 1796, declared that the conduct of Lord Hobart towards the Nawab was "most unjustifiable, violent and indefensible upon every principle." Shore also protested against the principle of forcing the Nawab into an acquiescence by indirect means of coercion that would "soon suggest to the country powers that convenience was the measure of our good faith."—*Life of Lord Teignmouth* by his son, Vol. I. pp. 358–60.

The Directors wrote to the Madras Government a letter dated 5th June, 1799, saying that the Nawab had acknowledged that he was in the practice of raising money annually by assignments of the revenues of those districts which formed the security for the payment of the Company's subsidy. This practice was unquestionably contrary to the letter and subversive of the spirit of the treaty of 1792. Consequently they ordered that the Madras Government should adopt measures necessary for taking possession "of the whole or any part of the said districts, the revenues of which shall appear to be so assigned." The Madras Government was ordered to communicate to the Nawab this resolution of the Directors.

Mill tries to contrast the assumption that formed the basis and the reason for the Directors' order with the solemn asseveration made by the Nawab in his letter of the 13th May that "no one foot of the districts set apart by the treaty of 1792 have been or are in any manner or way, directly or indirectly, assigned by me or with my knowledge, to any individual whatsoever."

With reference to the Directors' orders for the assumption of the districts, the Madras Governor wrote to them on the 11th April, 1800, that the matter was still under the Governor-General's consideration. The latter wrote to the Directors, in January 1800, that the short duration of the war with Tipu rendered it inexpedient for him to assume the management of the Carnatic and Tanjore ; as "the immediate effect of such an assumption would have been a considerable failure of actual resources at a period of the utmost exigency." The Carnatic was then occupying his particular attention, for "the perverse councils of the Nabob of Arcot will prove a serious obstacle to any effectual improvement of your affairs in that quarter."

to a new treaty, but "found His Highness", in the words of the despatch to the Court of Directors, "completely indisposed to that agreement."[1] In April 1799, the Governor General addressed from Calcutta a long argumentative letter of 62 paragraphs to Omdut-ool-Oomra on the same subject; but the Nawab "opposed a determined resolution to the modification of the treaty of 1792."[2]

But towards the end of 1799 news reached Calcutta that Omdut-ool-Oomra's health was failing; and a new expedient occurred to the mind of Lord Mornington, which, it is important to observe, contained the germ of the plan by which the desired arrangement was subsequently carried out. I must give a somewhat lengthy extract from the letter addressed to the Governor of Madras, which is dated "Calcutta the 26th March 1800," containing "directions for his Lordship's guidance in the event of the Nabob Omdut-ool-Oomra's death."

"Although the treaty of 1792 was concluded in the name and on the behalf of the Nabob Wallajah and his successors, no obligation of that treaty binds the Company to place or to support on the *musnud* any individual of the family (if any should be nominated by the reigning Nabob) whose pretensions to the succession may be actually disputed or may appear questionable.[3]

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(1) [Ed.] The letter of the Governor-General promised to send to the Directors, a detailed account of the communications that passed between him and the Nawab, but this was never sent.

(2) [Ed.] The Governor-General proposed that "the Nawab should cede to the Company, in undivided sovereignty, those territories which were already mortgaged for the payment of his subsidy, in which case he would be exempted from the operation of the clause which subjected him to the assumption of the country." It was also proposed to make over to him, in liquidation of his debt to the Company, certain sums in dispute between them, to the amount of over 230,000 pagodas.

The Nawab replied to this proposal in May, when Tipu had fallen, declaring that there was no necessity for the proposed assumption; and he added that the treaty of 1792 had had a trial of over 7 years, had been found sufficient for all common purposes and had secured the fulfilment of every condition with uninterrupted harmony. (Mill; Vol. VI p. 214).

(3) [Ed.] This is a startlingly new assumption of the rights of the Company acquired under the treaty. The Governor-General prejudges the legitimacy of the claims, nay, even the birth of Ali Hussain. But he shows out his real aim when, in the course

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"Various rumours exist relative to the birth of the person of whom the Nabob Omdut-ool-Omrah declares himself to be the father; it is, however, certain that the mother of this young man is of low origi.., and that she was never married to the Nabob. It is reasonable to believe that the succession of this young man would be felt as an injury to the rights of the late Ameer's son, [1] by all who might think favourably of the latter's title, and all such persons would undoubtedly use every practicable effort to defeat such a succession.

"Under the circumstances, neither party could claim our support under existing treaties; and in determining to whom your support shall be granted, we are at liberty to consider the security of Great Britain's interest in the Carnatic, and the general prosperity of the country, and the happiness of its people as the primary objects both of our right and duty.

"On this principle, it is manifest that, from the candidate whom we may resolve to raise to the musnud, we may justly require the most ample pledges for the effectual remedy of the evils which now afflict the Carnatic.

"For this purpose, the successor of Omdut-ul-Omrah must be required to surrender to the Company, in the most absolute manner, the civil and military administration of the Carnatic, not retaining possession of a single fortress, nor maintaining any armed force, under any pretext whatever."[2]

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of the same letter (to Lord Clive, dated March 26, 1800), he says:—"Although the elevation of the supposed son of Omdat-ul-Omra to the Musnud would probably be disagreeable to the principal Mussalmans in the Carnatic, I am of opinion that he might be rendered a better instrument for the accomplishment of the salutary ends proposed, than the son of the late Ameer could be expected to prove. When therefore the death of the present Nabob may take place, your Lordship will place the young man who passes for His Highness's son on the vacant Musnud previously requiring his consent to the conditions."

(1) Azeem-ood-dowlah, who was eventually raised to the musnud. [Ed.] His reputed son, Ali Husain, had been nominated as his successor by Omdat-ul-Umara.

(2) Wellesley's *Despatches*, Vol. II. p. 249-251. [Ed.] Letter No. LXX to Lord Clive).

These terms were to be offered in the first instance to Ali Hoossain, the son of Omdut-ool-Oomra.

"If the Nabob's supposed son should refuse or delay to subscribe to these conditions within twenty-four hours from the present Nabob's death, you will then give the son of the late Ameer the option of the succession on the same terms."[1]

Two points have now been made abundantly clear:—1st. That the Company were deeply impressed, whether rightly or wrongly is of no consequence, with the opinion that the Nawab's administration was not only injurious to himself and to his subjects, but threatened to be, at least ultimately, destructive of the securities for British interests in the Carnatic:[2] 2nd. That the Company were completely puzzled to devise any means by which the administration of the country could be taken by them out of the Nawab's hands without an open rupture, without the employment of force, and a manifest violation of the treaty. But when this embarrassment was at its greatest height, when some advisers, despairing of a friendly settlement, were approaching the question of stretching the provisions of the existing treaty and employing coercive pressure; while the Governor General was anticipating the death of Omdut-ool-Oomra, and insinuating, in a very ingenious and quite Oriental style, the possibility of there being contending claimants to the throne, and sowing the seeds of contention by originating a doubt, which none of the Wallajah family entertained, as to the right and title of the next heir, a circumstance occurred, which to the relief of all their embarassment, was at once and with undisguised eagerness seized upon as affording a plausible pretext for assuming an attitude of

(1) Ibid—p. 251.

(2) [Ed.] Lord Clive wrote to the Directors, on the 11th April, 1800, that "no security sufficiently extensive and efficient, for the British interest in the Carnatic, can be derived from the treaty of 1792; and no divided power, however modified, can possibly avert the utter ruin of that devoted country."

menace and for imperiously demanding that the proposals of the British Government should, without reply or discussion, be accepted.[1]

After Seringapatam was taken, a correspondence was found among the Palace records, which had passed between Tippoo Sultan and the two *wakeels*, or agents, Gholam Ali Khan and Ali Reza, who had accompanied in 1792 the hostage sons of the Sultan to Madras. These letters from the wakeels to their master were decided by some unexplained process of reasoning to be equivalent to letters directly written by the Nawab Wallajah and his son Omdut-ool-Oomra to Tippoo Sultan. Every compliment reported by Tippoo's servants to have passed in conversation with the Nawabs was interpreted into a proposal of alliance in a holy war against all Christians and the correspondence was set down as not merely proving the insincerity of the two Nawabs' attachment to the Company, but as constituting them "public enemies" who had forfeited every claim to consideration.[2]

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(1) "When the Governor-General and all his superiors, and all his subordinates, in the Government of India, were languishing and panting for the possession of the Carnatic, but afraid, without some more plausible reason than they yet possessed, to commence the seizure, here it was provided for them in extraordinary perfection. But the very circumstance which recommended it to the eager affections of the East India functionaries, will recommend it to the rigid scrutiny of those whose minds are more happily situated for appreciating the facts." Mill's *History of India* 1848, Vol. VI., p. 331. And Lord Wellesley himself, in the first glow of success, writes as follows to the Court of Directors in October 1801:—"It is a great satisfaction to have ultimately accomplished an object, long and earnestly desired by the Honourable Company, and earnestly recommended by the Court of Directors to my special attention, when I had the honour to receive the charge of this Government. Your Honourable Committee is apprised of the early solicitude which I manifested for the accomplishment of this important measure, upon my first arrival at Madras, in April 1798, as well as the repeated attempts which I made on the various occasions in the years 1798 and 1799, to effect the same salutary arrangement. The successive failures of these attempts, combined with the reflections arising from the equally unpropitious result of every preceding proposition of a similar nature, have enhanced, in my mind, the pleasure of witnessing the conclusion of the late treaty. Carnatic Papers 1802, p. 86.

(2) [Ed.] The *vakils* in their report to their master, gave an account of the deportment of Nawab Muhammad Ali towards the hostage princes of Mysore and towards themselves and of the conversations which took place between them. Nawab Muhammad Ali should have used the usual expressions of compliment; and the letters themselves, it should be remembered, "contained not the expressions of the Nawab, but only the expressions of the vakeels reporting them"; and the latter would "heighten whatsoever they think would be agreeable to their master, extenuate whatsoever they think he will dislike." (Mill, Book VI. Ch. X).

Beside the report of the vakils of Tippu there were only the letters of Tippu himself which contain "no more than a return to the civil expressions of the Nabob."

I shall in my next letter make a few remarks on the alleged treasonable correspondence, and other evidence against the Nawabs, in order to give some general notion of its value and weight; but the question of the reality of their disaffection and hostile designs is in fact quite immaterial, for two reasons in particular,—1st, I have already shown, from Lord Wellesley's letter of 26th March 1800, that the Government of India had determined to obtain the entire administration of the Carnatic on Omdut-ool-Oomra's demise, long before any charge of perfidy was insinuated against the Nawabs: 2nd, even granting that this perfidy was proved, the full penalty was exacted in 1801 by our assuming the Government, and forcing upon Azeem-ood-dowlah a new treaty, by which he resigned the exercise of sovereign power beyond the precincts of his palace, and accepted a fixed income as his share of the revenues of his principality.

Lords Harris and Dalhousie, however, in their respective Minutes on the Carnatic case, think proper to resuscitate these refuted calumnies, though they prudently abstain from quoting any of the ridiculous documents, or of the still more ridiculous verbal evidence; and harping on some hyperbolical phrases, in which Lord Wellesley states what, in his opinion, are the penalties that might have been inflicted on the Wallajah family if the British Government had not preferred to act with "magnanimity and generosity," [1] the two Lords maintain that by the perfidy of the two Nawabs they were placed in the position

(1) [Ed.] This refers to ideas expressed by Wellesley like the one quoted below :—
"The proofs arising from the papers would certainly be sufficient to justify the
British Government in depriving that faithless and ungrateful prince of all means of
rendering any part of the resources of the territories which he holds under the
protection of the Company, subservient to the further violation of his engagements,
and to the prosecution of the desperate purposes of his treachery and ingratitude.
But it will be more consistent with the character of the British Government to
regulate its proceedings by a regard to its own dignity and systematic moderation,
than by the standard of his Highness's crimes......" the disclosure made by the
annexed documents, of the disaffection of the Nawab supersedes the necessity of any
further consideration of the state of the Company's connection with that prince" and
"the Nabobs Mahommed Ali and Omdut-ul Omrah, by forming an intimate union of
interests with Tippoo Sultan, had placed themselves and their whole house in the
relation of public enemies to the British Empire in India." (Martin's *Wellesley's
Despatches*; Vol. II. *pp*. 255, 257 & 534).

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of "public enemies," that the old treaties were thereby abrogated, and that Azeem-ood-dowlah was placed on the musnud, as an act of "grace and favour," by the treaty of 1801, which was "a purely personal treaty", containing "no mention of heirs and successors", and conferring no hereditary right. I allow that no new right was conferred by the treaty of 1801, but in what part of that treaty is the old hereditary right taken away? How did this new treaty work a corruption of blood in the Wallajah family? Surely hereditary right cannot be forfeited by an occult implication, or by the silence of a treaty, especially when that treaty is made "to establish the connection between the contracting parties on a permanent basis of security in all times to come." But the treaty in fact is *not* silent upon this point. The disinheriting interpretation is directly contradicted by the fact that article 2 of the treaty of 1801 expressly "confirms and renews such parts of the treaties heretofore concluded between the East India Company and their Highnesses, heretofore Nabobs of the Carnatic, as are calculated *to strengthen* the alliance, to cement the friendship, and to *identify the interests* of the contracting parties." And the 3rd Article speaks of "reviving the fundamental principles of the alliance" between the Nawab's ancestors and the English nation. As the former treaties contain ample guarantees of succession to the Nawab Wallajah's heirs, there was no necessity for any special and detailed renewal of that particular guarantee in the treaty of 1801, which confirms, in general, all such parts of former treaties as were favourable and friendly to the Nawab. There is not a word of "grace and favour" in any part of the treaty.[1]

Azeem-ood-dowlah,—the father, be it remembered, of Prince Azeem Jah, the present claimant,—was repeatedly assured

(1) [Ed.] But the preamble to the Treaty contains this clause; "and whereas the musnud of the soubadarry of Arcot having become vacant, the Prince Azeem-ool-Dowlah Bahadur has been established by the English East India Company in the rank, property and possessions of his ancestors." (p. 57 of Aitchison's *Treaties* etc. Vol. X, 1909).

by Lord Clive and by the negotiators of the new treaty,—as was also Ali Hoosain, his cousin, Omdut-ool-Oomra's son, who, nevertheless, firmly refussd to sign away at once the rights of the family and the honour of his father and his grand-father,—that nothing but empty power was lost by the new engagement, that his dignity and privileges, and the advantages enjoyed by the family were unimpaired and would be maintained without diminution.[1] Article 1 of the treaty establishes Azeem-ood-dowlah " in the state and rank, with the dignities dependent thereon, of his ancestors, heretofore Nabobs of the Carnatic."[2] Their status and rank was that of hereditary Sovereign Princes, and in that status therefore was Azeem-ood-dowlah established.

All the official documents of the day prove that not a doubt was ever cast upon his sovereignty, or upon his hereditary rights; while two successions have taken place since his death. Yet Lord Harris[3] asserts that he, his son, and his grandson were " dependents of rank ", whose " rights ",

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(1) Extract from Report of the Commissioners for the treaty of 1801 :—" We replied to the Khans, that the condition now proposed actually exist in the treaties of 1787 and 1792 ; and that, although the entire civil and military Government of the Carnatic had been transferred under the operation of that condition to the exclusive administration of the Company, no doubt was entertained that the rank and dignity of Mahomed Ali and Omdut-ool-Oomra as the Nabobs of the Carnatic had been preserved ; we therefore drew this conclusion, that the rank and dignity of the Nabob of the Carnatic could not be injured *by extending the operation of that condition ;* and that the object of proposing an amicable adjustment, instead of proceeding to exercise the rights acquired by the British Government, was manifestly founded on the desire of *preserving to the family the rank, dignities, and splendour of the Nabobs of the Carnatic.*"

(2) [Ed.] Aitchison remarks that " if the right of succession had not been forfeited, Azim-ud-dowlah would perhaps have had stronger claims than Ali Hussain", as he was the grandson of Muhammad Ali and great-grandson, by both parents, of Anwar-ud-din, the founder of the Carnatic family. His basis is that the British Government had convinced itself of the guilt of Omdat-ul-Omrah and had declared itself, of course not through any public instrument like a treaty, released from the obligations of the treaty of 1792, which had been according to its interpretation, flagrantly violated. Wellesley, in his letter to Lord Clive, dated 4th June, 1801, (quoted above) wrote that " Omdut-ul-Omrah could derive no rights from the formal ratification of that instrument, (treaty of 1792), the vital spirit of which had already been annihilated by His Highness' conduct"...and " whatever right to the Company's protection and support, the reputed son of Omdut-ul-Omrah may derive from that of his supposed father, had been utterly destroyed by the hostile conduct of Omdut-ul-Omrah "

(3) Papers relating to the Nawab of the Carnatic, 1860, p. 13.

"privileges", and "allowances" could be "rescinded" at any time by the other party to the treaty. His Lordship arrives at this conclusion in para 46 of his Minute, after discoursing at some length, in a very confused style, on the distinction between "real" and "personal" treaties, as explained by Vattel,[1] from whom he quotes several passages. But it is obvious that he completely misunderstands the bearing of these passages, and that he completely misapprehends the true difference between a real or public and a personal treaty. A personal treaty according to the doctrines and illustrations contained in chapter xii, b. ii of Vattel, is clearly one of those conventions concluded between two Princes, "for an affair", as he says, (§ 190) "peculiar to themselves or their families" and having nothing in it essentially public, or directly affecting the common weal,— one of those family compacts or treaties of dynastic alliance, which obviously depend for their fulfilment or permanence upon the continuance of personal friendship or family connection. Revolution, conquest, and even the demise of the crown may annul such engagements, but do not affect the validity of public treaties, so long as peace is preserved with the other contracting party.

"Treaties", says Vattel, (§ 187) "that are perpetual, and those made for a determinate time, are real; since their duration does not depend on the lives of the contracting parties."[2] The treaty of 1801 was made "for the purpose of supplying the defects of all former engagements, and of establishing the connection between the said contracting parties on a permanent basis of security in all times to come". These words

(1) Vattel published his famous work, *Le Droit de Gens*, in 1758, and presented in it the law of nations, as it then stood, "with a fulness of which there had been no previous example."

(2) Vattel distinguishes between personal treaties which expire with the sovereign who contracts them and real treaties which bind the state permanently. Hall remarks that international law as such is not concerned with the so-called personal treaties, and that a real treaty is not terminable with the death or change of the sovereign (*A treatise or International Law*—5th edition; pp. 860–1).

from the preamble certainly indicate perpetuity, and therefore the treaty is real and not personal.

But even if considered as a personal treaty, it would remain in force so long as the Wallajah family existed. "Treaties properly so called, are either personal or real. They are personal when their continuation in force depends on the person of the sovereign (or his family), with whom they have been contracted. They are real when their duration depends on the state, independently of the person who contracts. All treaties made for a time specified, or for ever, are also real". (*Law of Nations* translated from G. F. Von Martens, London 1803 page 54). Wheaton, on the same subject, writes as follows:— "Treaties are divided into *personal* and *real*. The former relate exclusively to the persons of the contracting parties, such as family alliances and treaties guaranteeing the throne to a particular Sovereign and his family. They expire, of course, on the death of the king, or the extinction of his family". (*Elements of International Law*, Boston, 1855, Page 39.) The treaty of 1801 does not "relate exclusively to the persons of the contracting parties", and therefore is not a personal treaty.[1]

(1) [Ed.] This can be examined in the light of Hall's dictum :—"Either a treaty is such that one of the two contracting parties must be supposed to have entered into it with the state as the other party, in which case, it is 'real' and not terminable with the death or change of the sovereign; or else it is such that it must be supposed to have been entered into with the sovereign in his individual capacity, in which case it never affects the state except in so far as the individual who happens to be the sovereign, is able to use the resources of the state for his private purposes." (*ibid*; *p.* 361).

Arnold contends that the Treaty was not a personal one on the ground that $\frac{1}{5}$ of the revenues ought to be *ever* appropriated to the use of the Nawab. But Jackson says that the wording of the Treaty does not include the words *for ever*, but limits the payment of the revenue to the said Nawab, and does not confer on him more than a life interest in it. (*Arnold* Vol. II pp. 176–7 and *Jackson*—*pp.* 93–4). Stress is laid on the words "in all times to come" found in the preamble and on the second article. These words are interpreted to show that the treaty was not a personal one and contemplated the existence of a hereditary succession. Even the apologist Jackson is constrained to admit that "the framers of the treaty intended it to operate in perpetuity so far as it was expressed, that is, so far as the rights of the Company were concerned, leaving it to be determined by future considerations and events whether the shadowy royalty should be prolonged beyond the life of Azeem-ul-Dowlah."—*p.* 95.

It purports to be made for great public objects and for "all time to come", and therefore is a real treaty. But even if it had been personal, it would not have expired, because the family of the contracting Sovereign is not extinct.

And then who were "the contracting parties" referred to several times in the preamble and in Article ii of the treaty of 1801? The recital of the previous treaties, especially those of 1787 and 1792, as having "been intended to cement and identify the interests of the contracting parties"; the statement that "the intentions of the contracting parties have not been fulfilled by the provisions of the any of the treaties heretofore concluded between them;" and finally the declaration that the new treaty and its "additional provisions", are to "supply the defects of all former engagements and to establish the connection between the contracting parties on a permanent basis of security in all times to come,"[1] manifestly and necessarily denote and include as "the contracting parties", the representatives of the Wallajah family, and of the East India Company, in the past, in the present, and in the future, and point to a permanent alliance and a perpetual succession. Any other interpretation would be neither grammatical nor logical. And therefore the treaty is real and not personal.

Again, Vattel says, (§ 189) "When a treaty expressly declares, that it is made for the good of the kingdom, it is a manifest indication that the contracting parties, have not intended to make it depend on the duration of their lives". The treaty of 1801 expressly declares that it is made "for vesting the civil and military administration of the Carnatic" in the East India Company,[2] who are more particularly empowered by Article iv "to constitute and appoint, without any interference on the part of the said Nabob, officers, for the collection of the revenue, and to establish courts of civil and criminal

(1) [Ed.] In the preamble.

(2) [Ed.] In the pream ble.

judicature." These are no personal or private objects, but are express provisions for the better government of the country, for the public good, and therefore the treaty is real and not personal.[1]

If this treaty were personal, then the treaties made by the King of Prussia, on the 7th December 1849 with the two Princes of Hohenzollern Hechingen and Hohenzollern Sigmaringen,[2] by which they gave up their dominions to the King, in consideration of certain perpetual annuities and of their dignities and immunities being secured to them, must be personal also, and would be good for their lives only; so that the King of Prussia could "rescind the privileges" of their descendants "at his will," confiscate the income secured to them by the treaties, and refuse them their promised rank as junior Princes of his House. For if the treaty of 1801, in consequence of its conveying the guarantee of a certain revenue and rank to the Nawab, became a mere personal treaty, then the treaties of 1849 by which a similar compensation for similar sacrifices is secured to the Princes of Hohenzollern, must be personal also. The cases are exactly analogous, with this exception that

(1) This is still more clearly explained in the Proclamation, dated 31st July 1801, and published by the Orders of the Government in the Revenue Department, to all the inhabitants of the Settlement of Fort St. George and of the Carnatic:—"His said Highness the Nabob Azeem-ul-dowlah Behauder, and the said company being *desirous of correcting such errors* as have been heretofore introduced into the Government of the Carnatic, and of *supplying the defects of all former engagements* between the said contracting parties; and being also anxious *to give full vigour and efficiency to the Government of the Carnatic with a view to fix the rights of the people and the interests of the state on a broad and stable foundation have mutually and of their own accord, agreed* by a treaty bearing date the 31st of July 1801, that all former provisions for securing *a partial or temporary interference* on the part of the Honourable Company in the government, or in the administration of the revenues of the Carnatic, shall be entirely annulled; and that *in lieu thereof a permanent system for the collection of the revenue, and for the administration of civil and criminal judicature,* under the sole and undivided authority of the Honourable Company, shall be established throughout the entire territories of the Carnatic." Carnatic Papers 1861, p. 105.

(2) [Ed.] These two Hohenzollern principalities were annexed by Prussia with the consent of all concerned, in April 1850.

whereas the Princes of Hohenzollern explicitly ceded their territories, and resigned their sovereignty, the Nawab Azeem-ood-dowlah neither consented nor was required to do so.

The whole of this part of Lord Harris's argument, so far as it is intelligible, is quite untenable. A treaty is not degraded to a personal engagement by its containing any provisions for the private advantage of an individual or family, but by its containing no public provisions. The treaties of 1801 and 1849 are real and public, because they were made for great public and political objects, for the general good of the State.

Immediately after his installation, Azeem-ood-dowlah addressed letters to the King of England, the Prince of Wales, the King of Delhi, the Nizam and the Peishwa, which were perused and approved by Lord Clive,[1] in which he informed them that he had succeeded to the Musnud "by virtue of his right of inheritance". On the 18th December 1801, a circular issued by Lord Clive to all the members of the Nawab's family explains to them, (paragraph 2,) that the new arrangement was made—"to preserve to that respectable family its ancient rank among the Princes of Hindostan," and "that when the Nawab Azeem-ood-dowlah was raised to the rank of Nawab of the Carnatic, his Highness *succeeded to the rights of his illustrious ancestors heretofore* Nawabs of the Carnatic." In paragraph 10 of the same document he says that his Highness "succeeded to the rights of the Carnatic." In paragraph 11 he speaks of the "restored alliance," and of the "rank and dignity of this illustrious family," and says that "the alliance is now firmly and perpetually established."

(1) The second Lord Clive, afterwards Earl of Powis, then Governor of Madras.

On the accession of Azeem-ood-dowlah a Declaration [1] was transmitted to the Governors of Bombay and Ceylon, and the Residents of Poonah and Hyderabad respectively, in which occurs the following passage—"And his Highness, Prince Azeem-ood-dowlah Bahadur, having entered into engagements for the express purpose of *reviving the alliance* between the Company and his illustrious ancestors, and of establishing *an adequate security for the British interests in the Carnatic*, the British Government has now resolved to exercise its rights and its power, under Providence, in supporting and in establishing *the hereditary pretensions of the Prince Azeem-ood-dowlah Bahadur in the Soubadary* of the Carnatic."[2]

Simultaneously with the signing of the treaty of 1801 the Madras Government issued a proclamation in which they

(1) [Ed.] Declaration of the Right Honourable the Governor-in-Council of Fort St. George, by and with the authority of His Excellency the Most Noble the Governor-General in Council of all the British Possessions in India, dated July 27th, 1801. In the course of this paper, the charges, established "by a series of connected written and oral testimony" against Muhammad Ali and Omdat-ul-Omra, in reference to their alleged secret correspondence with Tippu Sultan, are detailed in eleven paragraphs; the British Government is therefore declared to be released by every principle of public law from the intended obligations of the treaty of 1792; the death of Nawab Omdat-ul-Omra had not affected the rights acquired by the British Government under the discovery of his breach of the alliance; and the reputed son of Omdat-ul-Omra had succeeded to the condition of his father, which condition was that of a public enemy;" and consequently the British Government was at liberty "to exercise its rights, founded on the faithless policy of its ally, in whatever manner might be deemed most conducive to the immediate safety and to the general interests of the Company in the Carnatic." But, in a spirit of magnanimity, the British Government opened a latitude to the son of the late Nawab, "to afford, by means of an amicable adjustment, that satisfaction and security which the hostile and faithless conduct of his supposed father had entitled the British Government to demand and which the dictates of prudence and self-defence compelled it to require." When that son resisted the demand, Government entered into a negotiation with Prince Azim-ud-dowla, the son and heir of Amir-ul-Omra, the second son of Nawab Muhammad Ali and the immediate great-grandson, by both his parents, of Nawab Anwarud-din Khan.

This declaration was supplemented by attested copies and extracts of several documents, discovered at Seringapatam and by an extract from the treaty of 1792 (Martin: Vol. II. *pp.* 553–561).

2. Marquis Wellesley's Despatches, vol. ii. *p.* 560.

acknowledged that Azeem-ood-dowlah *"has succeeded by the hereditary rights of his father, and by the full acknowledgment of the Honourable Company, to the possession of the said Musnud."*[1]

On the 3rd August 1801 the Government of Fort St. George address a despatch to the Secret Committee of the Court of Directors, in which occurs the following passage—"The rights of Omdut-ul-Omrah founded on the treaty of 1792 having been vitiated by that Prince's violation of the alliance and of the stipulations of that instrument, *the hereditary claims of the house of Mahomed Ally descended to the second branch of the family represented by the Prince Azeem-ood-Dowlah the son of Ameer-ul-Omrah,* who was the second son of the Nabob Mahomed Ally "[2] There is not a word of either past or future hereditary right having been lost or impaired.[3]

Lord Harris boldly asserts in his Minute (paragraph 25) that Azeem-ood-dowlah was positively and openly declared to have no hereditary claims,"[4] but I think I have adduced a sufficiency of positive and open declarations to the contrary effect; and we may now challenge his Lordship to point out where those declarations to which he alludes are to be found.

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(1) Carnatic Papers 1861, *p.* 105.

(2) Carnatic Papers, 1861, *p.* 108.

(3) [Ed.] Lord Clive's proclamation of July 27th, 1801, says:—"Justice and moderation warrant that the family of Omdat-ul-Omra shall be deprived of the means of completing its systematic course of hostility; wisdom and prudence demand that the reputed son of Omdat-ul-omra shall not be permitted to retain possession of resources dangerous to the tranquillity of the British Government in the peninsula of India.

"Wherefore, the British Government, still adhering to the principles of moderation, and actuated by its uniform desire of obtaining security for its rights and interests in the Carnatic, by an arrangement founded on the principles of the long-subsisting alliance between the Company and the family of the Nabab Mahomed Ali, judged it expedient to enter into a negotiation for that purpose with the Prince Azim-ul-Dowlah Bahadur..." Martin II. p. 560.

4. Carnatic Papers, 1860, *p.* 12.

The truth is, that Lord Harris, misled by the impression on his mind that no rights whatever had been secured to the descendants of Azeem-ood-Dowlah after the transactions of 1801, seems to mingle and confound in his Minute the consideration of two perfectly distinct and independent questions,—the first, whether Azeem-ood-Dowlah himself succeeded by virtue of his hereditary right, or by the grace and favour of the British Government, and the second, whether after his installation the dignity of the Nabob of the Carnatic ceased to be a hereditary dignity.[1]

Lord Wellesley took a particular interest and manifested considerable anxiety in the settlement of the first point; he was especially desirous that the elevation of Azeem-ood-Dowlah to the musnud should not appear as an ordinary succession by inheritance, but that it should be recorded and announced as an act of grace and favour, as being due to the "liberality and moderation" of the British Government."[2] But with reference to the second point, when we examine all the official papers connected with the transactions of 1801, we find nothing whatever to detract from Azeem-ood-Dowlah's sovereignty, or from the future position and prospects of the Wallajah family; nothing is said to be given up but political power; there is nothing to show that Lord Wellesley ever intended or wished

1. Carnatic Papers, 1860 (Minute, Paras 10 to 24), p. 10-11; and p. 45 letter from the Court of Directors, who fall into the same error.

2. Lord Wellesley's Despatch to Lord Clive, 18th August 1801, para 13. Carnatic Papers 1861, p. 109.

[Ed.] Paragraph 14 of Wellesley's letter to Lord Clive dated 28th May, 1801, asserts that the British Government was released from "the intended obligations of the treaty of 1792"; and the Nawabs had placed themselves in "the relation of public enemies to the Company's Government." Again in paragraph 16, Wellesley says that "Reduced by his conduct to the condition of a public enemy he (Omdat-ul-Omra) has forfeited all positive right to any share of the resources of the Carnatic; and his future situation must be determined entirely by the prudence of the Company."

The whole of this letter was not included in the Parliamentary papers. See also Jackson's *Lord Dalhousie's Indian Administration*—*pp.* 88-9.

to raise a doubt or suspicion as to the inherent hereditary nature of the Nawab's dignity.[1]

Lord Wellesley objected to the original preamble of the treaty as concluded by the Governor of Madras, in which it was stated that "the right of Prince Azeem-ood-Dowlah founded upon the hereditary right of his father, the Nawab Ameer-ool-Omrah Bahadoor, "had been" *acknowledged* by the English East India Company;" and he succeeded in having a new preamble substituted, declaring that the Nawab had been "*established* by the East India Company in the rank, property, and possession of his ancestors, heretofore Nawabs of the Carnatic;" but beyond this sort of indirect admission by Azeem-ood-Dowlah of his obligations to the British Government for their favour and support, and of their right, in return for that support, to demand new concessions from him, "*to supply the defects of former engagements,*" I do not see that anything was gained by the alteration. It is a mere distinction between "acknowledge" and "establish."

Lord Wellesley attached so little importance to the desired alteration, that he expressly cautioned Lord Clive that it should not be proposed to Azeem-ood-Dowlah "*at the hazard of exciting any alarm or jealousy in his Highness's mind,*" of incurring his "*dissent or displeasure.*"[2] And in the meantime, anticipating the possibility of Azeem-ood-Dowlah's objections,

(1) [Ed.] Dalhousie held that (1) "the territories of the Nawab of the Carnatic were in 1801, at the absolute disposal of the British Government;" (2) "it is distinctly stated in Lord Wellesley's despatches and in the papers connected with the treaty of 1801, that the British Government was then at liberty to assume the government of the Carnatic; Lord Wellesley was only deterred from assuming it by various considerations of expediency and policy, in which the revolt of the Poligars...or the long-established connection between the Company and the house of Muhammad Ali all held a place"; (3) "the title of the Nawab of the Carnatic was conferred upon Azeem-ul-Dowlah, by the treaty of 1801, on certain conditions which are specified"; and (4) "it is from this treaty, if at all, that a right of hereditary succession to the musnud of the Carnatic must be derived."—Jackson.—*pp*. 86–7.

(2) Carnatic Papers, 1861, p. 109–110.

Lord Wellesley ratified the original treaty. But the modified preamble was accepted by the Nawab without discussion.

The most singular part of the case, the most complete contradiction of Lord Harris's unfounded assertion, consists in the fact that although Lord Wellesley undoubtedly desired, without actually denying Azeem-ood-Dowlah's hereditary right to keep it as much as possible in the back-ground, he completely failed to do so. It is true that he succeeded in persuading Azeem-ood-Dowlah to allow the reference to the "hereditary right of his father" to be taken out of the treaty, and the word "acknowledge" to be altered into the word "establish;" but when we observe that Lord Wellesley ratified the original treaty,—thus admitting the truth of its terms,—and was willing to let it hold good, if Azeem-ood-Dowlah objected to the alteration, it becomes quite clear that the advantage gained by the Governor-General,—if it can be called an advantage,—was merely formal. But this trifling result dwindles to nothing when the formal silence of the modified treaty as to Azeem-ood-Dowlah's hereditary right, is found to be fully countervailed by the numerous assertions and acknowledgments of that hereditary right, promulgated or approved by the British Government in the explanatory, declaratory, and diplomatic documents of 1801.

When the treaty of 1801 had been concluded, the Nawab, in accordance with the terms of Article XII,[1] issued a circular order, "to all his civil and military officers" to deliver up all the districts, forts and treasuries to the persons appointed by the Company "to manage" them. The order was drafted by the Governor of Madras himself, translated into Persian, and then submitted to the Nawab Azeem-ood-Dowlah for his seal and signature. This order was as follows :—"Whereas the musnud

(1) [Ed.] This article provided that the Nawab should issue "orders to all his civil and military officers to transfer the district or districts under their respective charge to such persons as shall be appointed by the said Company...and also to deliver to the persons appointed all records, accounts and official papers belonging to their respective cutcherries or offices."

of the Carnatic Soobadary was vacant, and I the Nawab-Wallajah Ameer-ool-Oomra Madar-ool-moolk Ameer-ool Hind Azeem-ood-Dowlah Anwar-ood deen Khan Bahadur, have by the grace of God taken possession of the said musnud, *in pursuance of the lineal right and title*, as well as with the acknowledgment of the British Company, it is therefore directed that you do immediately on receving this order deliver without any resistance or excuse the Talooks, &c., under your control into the charge of the officers of the British Company, who have been appointed with my approval."

And yet this Prince, who takes possession, by the grace of God, who approves of the appointment of British officers, and who, as we have seen, is bound by a special stipulation of the treaty not to interfere with the collection of the revenue, or with the establishment of the courts of justice, is said by Lord Harris (§ 35 of his Minute) to have been a "dependent" of the other contracting party, the East India Company.

Perhaps the most important document extant bearing on this subject, is the Declaration issued by the Government of Madras on the 1st February 1803 in order to secure exemption[1]

(1) [Ed.] Lord Clive had to write to Nawab Omdat-ul-Omra of the necessity of his enforcing respect to the laws of Great Britain within the limits of the Supreme Court. He recommended in his letter of the 10th November 1801, to the Nawab Azim-ud-Dowlah that "Your Highness should abstain from any act of power within the jurisdiction of the Supreme Court of Madras, unless circumstances, connected with the immediate support of your Highness' dignity and authority should render it indispensably necessary."

The Nawab complained on the 7th January 1803 that the servants of the Supreme Court broke into the house of one of the sons of the late Nawab Walajah and seized and carried away his person; and he protested:—"This act of violence I conceive to be highly injurious to my honour by the law of nations, as well as by the Sanctions of Government; my dependants......are equally secure from the interference of the Court, as I am in my own person. I have, therefore, to request that during your Lordship's Government such an arrangement may be made as shall preclude now for ever all interference of the Court or of strangers with any of my Dependants." Lord Clive secured the enlargement of the arrested person and wanted a list of such persons as might be considered by the Nawab to be entitled to the privilege of exemption. (pp. 3 and 6 of *Records of Fort St. George: Country Correspondence 1803*).

for the Nawab and his household from the process of the Supreme Court[1] which is as follows :—

"We the undersigned, the Governor in Council of Fort St. George, do hereby certify That the Nabob Wallajah Ameer-ul-Omrah Madar-ul-Hind Azeem-ul-Dowlah Anwer-ul-Deen Cawn Bahadur Showkut Jung, Sipah, Salar, Soubadar of the Carnatic, *is acknowledged and recognised by our said Government* as An Independent Prince, *the Soubadar of the Carnatic Payen Ghaut, and an ally of our said Government*, and we do further certify, that from the year 1768 hitherto, his late Highness the Nabob Wallajah, his late Highness Omdut-ul-Omrah, and his Highness the said Azeem-ul-Dowlah, being successively Soubadars of the Carnatic, and allies of the Government of Fort St. George, have severally with their respective families, resided, and his Highness the said Azeem-ul-Dowlah doth now reside, with the approbation of the Government of Fort St. George, near Madras and within the territories dependent upon the said Government, for the purpose of carrying on, in concert with the Government of Fort St. George, the common and united interests of the said Government, and of the said several successive Soubahdars of the Carnatic Payen Ghaut as such allies.

(Sd.) CLIVE.
(Sd.) Wm. PETRIE.
(Sd.) M. DICK.

Azeem-ood-Dowlah is here proclaimed to be an independent Prince, and an ally of the British Government; the fact of several successions having taken place is pointed out; no distinction is made between his position and that of his predecessors; and he is said to act in concert with the Government of Fort St. George on 'behalf of their common

(1) Carnatic Papers, 1861, p. 126.

and united interests. Lord Harris says the Nawab was a dependent, whose rights could be rescinded at any time.[1]

Lord Dalhousie, in his Minute (par. 8) says that when "Lord Wellesley, while negotiating treaties with the Nawab of Oude and others, and forming the treaties with those Princes, their heirs and successors, is found negotiating with the Nawab Azeem-ood-Dowlah alone, and omitting all mention in it of heirs and successors, it is very certain that Lord Wellesley did not intend to extend the provisions of that treaty beyond the life of Azeem-ood-Dowlah himself;" for "Lord Wellesley was not a man who did things without a reason."[2] No,—and Lord Wellesley was not a man to use words of equivocal meaning for a fraudulent purpose; he was intent and determined on establishing British supremacy, he was ambitious and imperious, but he was not the man to attempt, by a side wind, by a sly and silent omission of words in the renewal of a contract, to juggle away the hereditary right of the Wallajah family, while he was incessantly declaring his sense of their strong claims to consideration, and his intention of treating them with "magnanimity and generosity."[3]

(1) [Ed.] Lord Clive had written to the Nawab Azim-ud-dowla on the 10th November 1801, the following para:—"I beg your Highness to be assured, that in the revival of the alliance with your illustrious family by means of the treaty recently concluded with your Highness, the British Government considers your Highness to be fully entitled to the exercise of the Rights and Privileges enjoyed by your Predecessors, hitherto Nabob Soubahdars of the Carnatic; and your Highness may rely with confidence on my protection of your Personal Rights and Honour to the extent of my power." (P. 61 of the *Records of Fort St. George: Country Correspondence, 1801*)

(2) Carnatic Papers, 1860 p. 48.

(3) Wellesley's Despatches, Vol. II, p. 559; and Carnatic Papers, 1860, p. 33. [Ed.] The view that "the long-established connection between the Company and the house of Muhammad Ali, justifies us in sacrificing to the sentiments of national magnanimity and generosity the resentment occasioned by his (Omdat-ul-Omra's) Highness's flagrant breach of the alliance," occurs in para 5 of Wellesley's letter to Clive, dated 4th June, 1801 and is repeated in the Madras Government's declaration of July 27th, 1801.

Lord Wellesley had two great objects in view: the first and the most important was to obtain the civil and military administration of the Carnatic; the second to effect this change as gently as possible, and to give a colouring of moderation and mutual agreement. He never alluded to the possibility of a personal or a life treaty being made with Ali Hoossain or with Azeem-ood-Dowlah, and, so far as can be ascertained from the published papers never thought of attempting such an arrangement. Indeed, throughout his persevering scheme for taking the administration of the country out of the Nawab's hands,—from the fist germ in the gratuitous doubts of Ali Hoossain's paternity,[1] down to the mature fruit, painfully forced from Tippoo's records,—Lord Wellesley never attacks the rights of the Wallajah family in general, but only maintains that the British Government is not bound to maintain unconditionally the succession of *any particular member* of the family,[2] at first solely under the supposition that Ali Hoossain's legitimacy would or might be assailed by some opposing claimant,[3] and that he would require our support, for which we might impose our own terms; and ultimately, on the plea that the alleged treachery of Wallajah and his son entitled us to demand the most ample security from their successor.

And it is clear that no difficulty was anticipated in persuading Ali Hoossain to come to terms. Lord Clive writes to Lord Wellesley:—"I am persuaded that it was not more in your Lord-

(1) Ante, p. 71.—[Ed.] refer to *note* (3) on p. 91.

(2) "No obligation of the Treaty binds the Company to place or to support on the musnud *any individual of the family*, if any should be nominated by the Nabob, whose pretensions to the succession may be actually disputed or appear questionable." *Ante*, p. 71.

(3) [Ed.] Wellesley wrote in the letter of March 28th, 1800, that the elevation of this Prince would "probably be disagreeable to the principal Mussalumns in the Carnatic." He even told Lord Clive that "under these circumstances, neither party could claim our support under the existing treaties......and from the candidate whom we may resolve to raise to the *musnud*, we may justly require the most ample pledges."

ship's contemplation than it was in mine, that Ali Hussain could be so infatuated and misled, as finally, *under the circumstances of doubt which overhang his birth*, and of disqualification arising from the faithless conduct of *his reputed father*, to reject the terms by which alone he could have become Nabob of the Carnatic."[1] But there was found to be no party in the Wallajah family adverse to Ali Hoossain, or doubtful of his right; that Prince rejected the terms; and the plan would no longer work smoothly. If he had accepted, there would have been no scandal, and no public mention would have been made of the alleged treachery of his predecessors.[2] His bold refusal compelled Lord Clive to set up Azeem-ood-Dowlah, and to explain the irregular succession, against which the whole of the Wallajah family protested, by the Declaration from which I have already quoted, denouncing" the flagrant violation of the alliance," and the "peremptory refusal" by "*the reputed son*" of "a more adequate security" for British interests in the Carnatic.

The key-note of Ali Hoossain's doubtful parentage,[3] struck at a venture by Lord Wellesley before the new theme was

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(1) Wellesley's *Despatches*; Vol. II. p. 551.

(2) [Ed.] Lord Clive writing to Lord Wellesley, on the 15th July, 1801, on the day of the demise of Omdat-ul-Omra, declared that "I shall be prepared, at the expiration of it, to act according to the termination of the Conference, either by acknowledging the succession of Taj-ul-Omra (Ali Hussain) and receiving possession of the Carnatic through the channel of negotiation, or by asserting the right of the Company, and immediately proceeding to exercise the government of the Carnatic." Messrs. Webbe & Close, who were deputed by Lord Clive to confer with the Nawab's officials immediately after his demise, and to urge them to give up the administration of the country, told them that "upon their answer...would absolutely depend either the acknowledgment of the will of Omdat-ul-Omra (appointing Ali Hussein, as his heir) or the necessity of asserting the rights of the Company, by proceeding to exercise the civil and military government of the Carnatic."

(3) [Ed.] A letter written by Muhammad Najib Khan and Muhammad Taki Khan on behalf of Ali Hussain, dated 30th July 1801, encloses 2 papers written by the members of the Nawab's family, stating the right of succession of the son and heir of Nawab Omdat-ul-Omra and the want of due right in any sense on the part of the son of the late Amir-ul-Omra. The second of these letters distinctly says that the rights of government and the country of the Carnatic as well as the property of his father were given and bequeathed by the Nawab Omdat-ul-Omra to

selected from Tippoo's *repertoire*, is still continued as the dominant phrase throughout the concerted piece. Ali Hoossain is always spoken of as "the supposed son," or "the reputed son,"; it is constantly hinted, as in Lord Wellesley's original letter of instruction, that Azeem-ood-Dowlah's right to the succession is the stronger;[1] and it is perfectly clear, from the whole tenor of the published papers, that, even if the Seringapatam discoveries had never been made, the same programme would have been carried out; Ali Hussain would have been excluded on his declining our first proposals and his exclusion

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his heir and successor, the Nawab Taj-ul-Omara who was entitled to the government by the Mussalman law.

Another letter written by Maulana Abdul Ali Malik-ul-ulma and other learned men, forwarded at the same time, says:—"The Ordinance of the holy Law, as well as established Precedent and the practice of the Chalifs and Sultan is this, that a Man's Son becomes his heir, and when a father makes his son his heir, and gives the son all the property acquired by him the father, then such son becomes heir and proprietor, without the participation of another—and if the father be proprietor of territory and previously to his death names his Son as his heir, such son then becomes heir accordingly, whether he be a legitimate (from the womb of his proper lawful wife) Son or not, and if a person should make another, whether an adopted, or a mere stranger his Successor or Executor, then it behooves all to obey the person so appointed."......"Thus...the inheritance and the right to all matters of right and property belonging to the Nawab Walajah Amir-ul-Hind devolved to the deceased Nawab Omdat-ul-Omra and from the said deceased to the Nawab Taj-ul-Omra. Because the deceased Nawab having appointed his executor, heir and successor, then departed this life, Wherefore the proprietor of all these rights is the Nawab Taj-ul-Omra Bahadur—and intervention of another is Contrary to Law and precedent." (*Country Correspondence, Political Department*, 1801—No. 73. In Consultation, 22nd December, 1801).

(1) "Various rumours exist relative to the birth of the person of whom the Nabob Omdut-ool-Oomra declares himself to be the father; it is however certain that the mother of this young man is of low origin, and that she was never married to the Nabob. It is reasonable to believe that *the succession of this young man would be felt as an injury to rights of the late Ameer's son*," (Azeem-ood-Dowlah, who was eventually raised to the musnud) "by all who might think favourably of the latter's title,"—"the young man *who passes for his Highness's son*."—Wellesley's *Despatches* Vol. II. p. 249–251.

The impression upon the Governor-General's mind was, that the right of inheritance, if any such had existed, belonged to Azeem-ood-Dowlah, and that the elevation of Ali Hussain, the reputed son, would probably give great disgust to the Mahomedans, and induce efforts to defeat the succession." Carnatic Papers, 1860, p. 27.

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would have been justified by his alleged illegitimacy; Azeem-ood-dowlah would have been installed on the ground of his hereditary right, and the new treaty wuuld have been imposed upon him as the price of our support. I am of course not concerned to defend the justice, the moral or logical consistency of Lord Wellesley's schemes; but when we find that the main plea upon which he originally based our right of interference,—Azeem-ood-dowlah's superior claim by legitimate and lineal descent—was maintained by him to the last,[1] we cannot allow Lord Harris, fifty years later, to assert, in defiance of the truth, that this same Azeem ood-dowlah was declared to have no hereditary rights at all, or Lord Dalhousie to insinuate that because Lord Wellesley did not "do things without a reason," therefore he must have intended slyly and silently to annul those parts of the old treaties which on the contrary he openly and specially confirmed and renewed.

But having now shown that the hereditary rights of Azeem-ood-dowlah's descendants were fully guaranteed to them by his establishment in "the rank, property, and possession of his ancestors," and by the express renewal and confirmation of all the favourable and friendly conditions of the old treaties; having searched in vain for any hint or suggestion adverse to those hereditary rights in any contemporary document; I shall now proceed to show that there are direct and positive official admissions on record, both in contemporary and in recent documents, that the Nawab's dignity after the treaty of 1801 was still considered and expected to be hereditary in its tenure.

I deny that it is incumbent on me to do this, for even if Lord Wellesley,—"who never did things without a reason,"—had

(1) [Ed.] This cannot be postulated from the records. Wellesley took up the rightfulness of the claim of Azim-ud-dowlah, only at a certain stage of the negotiations and was prepared to recognise Ali Hussain on certain conditions earlier (*vide supra*). Of course, the Governor-General instructed Lord Clive that if Ali Hussain should refuse to subscribe to the conditions within 24 hours of his father's death, he should give Azim-ud-dowlah the option of the succession, but should not treat with any younger branch of Amir-ul-Omrah's family. (Martin; Vol. II. p. 251).

really wished or intended to gain a secret and unfair advantage by the unobserved admission of the words "heirs and successors," or had anticipated that some future Governor-General in some more secure and settled time of our power, would be able to seize such an advantage, it is obvious that no such advantage could be fairly claimed under any canon of international law or supported by any maxim of political morality. I am fully convinced that Lord Wellesley is undeserving of Lord Dalhousie's calumny, but even if he had been guilty, his guilt would have been an ineffectual blunder. Even if the favourable provisions of the old treaties had not been "confirmed and renewed" in 1801,- if the treaty of that year had been the first one between the East India Company and the Nawab of the Carnatic,—the establishment of Azeem-ood-Dowlah in "*the rank, property, and possessions of his ancestors*," would have been quite a sufficient acknowledgment of that hereditary tenure, which had been admitted by the Nizam, the King of Delhi, and the King of Great Britain,[1] which had been the basis and justification of the Honourable Company's political action, on which alone depended the Company's territorial title, and which is, in fact, inherent and essential in the dignity of a Sovereign. But Lord Wellesley had no intention or wish to disinherit Azeem-ood-Dowlah's descendants.

All that Lord Wellesley required was the perpetual transfer of the civil and military administration, which Wallajah and Omdut-ool-Oomra, [2] relying on the rights secured to them by the treaty of 1792, pertinaciously refused to resign, and which

(1) [Ed.] The Nawab wrote to Wellesley on the 3rd February, 1802, thanking the latter for "having made known to his Majesty the King of England the settlement that had been made in the Carnatic," and declaring that "the accounts of my accession to the Musnud would be highly pleasing to his Majesty and the Company." (p. 16 of *Country Correspondence, Political Department 1802)*.

(2) [Ed.] Omdat-ul-Omra replied to Wellesley's demand for the English assumption of the administration of the Carnatic, in a letter dated 13th May, 1799, that the Treaty of 1792 had been successfully observed in all its provisions, and demanded that he should be allowed to participate in the conquered territories of Mysore "in proportion to the sum that he had been contributing, *viz*., 9 lakhs of pagodas yearly" (Martin; Vol. II. p. 6).

Lord Wellesley conceived the alleged detection of their treachery justified him in exacting as the condition of the renewal of friendly relations with their successor. That was the extent of Lord Wellesley's demands, and that was the extent of the penalty inflicted on the Wallajah family by the treaty of 1801.

No verbal omission in the treaty of 1801 could weaken the effect of its 2nd Article, "renewing and confirming" the favourable provisions of former treaties; no private design or mental reservation of Lord Wellesley's could transmute or vitiate that "state and rank of his ancestors, heretofore Nabobs of the Carnatic," which was secured to Azeem-ood-dowlah by the first Article of the same treaty. But not only is there not a vestige or a trace to be found in Lord Wellesley's despatches and letters of any such private design or mental reservation against the hereditary tenure of this dignity, but it is distinctly recorded in a state-paper which was certainly submitted to Lord Wellesley's revision and approval, if it did not proceed from his pen, that all the advantages secured to Azeem-ood-dowlah by the treaty of 1801, were also secured to his heirs.

The state-paper to which I allude was only published in 1859; it will be found in vol. IV of the Duke of Wellington's *Supplementary Despatches*, pp. 546 to 586. It is a Memorandum on the Marquis Wellesley's Government of India, said to have been written after the Session of Parliament of 1806, and to have been completed, and filled up with the exact sums and dates[1] at the Board of Control and the India House.

It is not merely improbable, but quite impossible, that this elaborate vindication of his brother's policy should have been prepared by the Duke of Wellington for the information of the Ministry, and as materials for a Parliamentery defence, without its having undergone Lord Wellesley's scrutiny, and received his

(1) [Ed.] Left in blank in the original memorandum.

deliberate sanction. Many parts of this Memorandum bear a very close resemblance to the elder brother's style; and in my opinion, we are justified in considering it as a statement of Lord Wellesley's views, quite as authentic and quite as direct as if it had been found in his own handwriting and attested by his own signature.

After an explanation of the difficulties caused by Omdut-ool-Omra's obstinate independence, and of the opportunity of coercion afforded by his alleged correspondence with Tippoo, the writer of the Memorandum describes the Carnatic revolution in the following terms;—"The *supposed son* was then apprised of the discoveries which had been made at Seringapatam, of the sentiments of the British Government in consequence of these discoveries, and of the measures which they propose to adopt in the Carnatic. But he refused to accept the situation held out to him under the new arrangement. *As the claim of this Prince to succeed to his father*, supposing that circumstances had allowed of the succession, *was by no means clear*;[1] and as it was desirable for the peace of the Carnatic that the Nabob's family should adopt the arrangement, Lord Clive (now Earl of Powis) determined to set aside Ali Hoossain entirely, and to propose it to Azeem-ool-dowlah, the eldest legitimate son of Ameer-ool-Oomrah, who was the second son of the Nabob Mahomed Ali, and brother of the late Nabob Omdut-ool-Omrah. This Prince having agreed to the arrangement, a treaty was concluded by which the whole of civil and military government of the Carnatic was transferred for ever to the Company; and the Nawab Azeem-ood-dowlah, *and his heirs*, were to preserve their title and dignity, and to receive one fifth part of the net revenues of the country."[2]

(1) The key-note.

(2) [Ed.] Supplementary Despatches Vol. IV, p. 564-565.—There is a foot-note to Wellington's memorandum which is as follows: "unless the revenue exceeded the sum of 25 lacs of star pagodas, in which case, the fifth part of the excess was to be applied to purposes of military defence." This is covered by article I of the separate explanatory articles annexed to the treaty (see p. 723 of Martin—Vol. II).

This precise and positive declaration leaves no room whatever for doubt or cavil as to Lord Wellesley's intentions.

Three years after Azeem-ood dowlah's installation, when the real objects and original interpretation of the treaty of 1801 must have been fresh in the memory, and familiar to the mind of every high official at Madras, the Governor, Lord William Bentinck, in a letter to Azeem-ood-dowlah, alludes incidentally, and as a mere matter of course, to the hereditary descent of the Nawab's dignity;—"The eldest son of Seyf-ool-Moolk having been at one period next in lineal succession to your Highness, I feel averse to the diminution of his stipend."[1]

Azeem-ood dowlah died on the 3rd of August 1819, leaving several sons, the eldest of whom was the Nawab Azum Jah.—"Under date 2nd October 1819, the Madras Government stated to that of India, that it would have been satisfactory to them to have been informed whether the Governor-General in Council considered the treaty concluded with the late Nawab on the 31st July 1801, to have guaranteed the succession to the musnud to his family *in the direct and legitimate line of descent, to which opinion they themselves had always been inclined* as well from the spirit in which the treaty was concluded, as from the tenor of its professions and also from the terms of the declaration published at that period."[2] They thought it advisable, "now

(1) Letter from Lord W. Bentinck to the Nawab Azeem-ood-Dowlah, dated the 22nd May 1804; papers relating to the Carnatic Stipendiaries, Madras, 1858 p. 98. [Ed.] Lord William Bentinck wrote in the course of that letter—"unwilling to degrade the illustrious house of Arcot, the Government was pleased to establish your Highness upon the throne, reserving to itself the administration of the civil and military affairs of the country—a very considerable portion of the Revenue was appropriated to the Support of the rank and dignity of the Sovereign in his former splendor, as well as to the no less princely purposes of extensive charity and benevolence. Upon the same principles of liberality the British Government undertook to provide a maintenance for the families of Walajah and Omdut-ul-Omrah in the former case the amount and the time of payment have been fixed by Treaty." (p. 5. *Records of Fort St. George: Country Correspondence: Political Department 1804*).

2. Carnatic Papers, 1860, p. 35. [Ed.] The declaration of the Madras Government of July 27th, 1801, says: "the British Government has now resolved to exercise its rights and its power, under Providence, in supporting and establishing the *hereditary* pretensions of the Prince Azeem-ul-Dowlah Bahadur."

that the Nawab Azum Jah had virtually become a party" to the new treaty, that he should be called upon "to execute some formal instrument" recognising its conditions.[1] The Governor General, the Marquis of Hastings, was of opinion that no such instrument, or new treaty was required, as he considered "his Highness to be *ipso facto* a party to the treaty concluded with his father in 1801."[2] The eldest son, Azum Jah, was therefore installed on the 3rd of February 1820, and congratulated by the Governor on "ascending the Musnud in the direct line of hereditary succession to your late father."

Lord Dalhousie's comment upon this first succession after the new settlement appears to me to be singularly disingenuous. He says (§ 9 of his Minute):—"Upon the death of Azeem-ood-Dowlah the treaty of 1801 was not renewed. It has never since been renewed. *The Government of India on a former occation expressly declined to renew it.* The Treaty of 1801, therefore, has had no existence, and its provisions have had no binding force since the death of the Nawab Azeem-ood-dowlah, with whom it was concluded, and to whom alone it was applicable."[3] Now it certainly is true that the Treaty of 1801 has never been renewed; it is true that the Government of India declined to renew it, but not, as Lord Dalhousie insinuates, because they considered it void and did not wish it to be made valid, but because they considered it to be still valid; not because, as Lord Dalhousie audaciously asserts, "it was applicable to the Nawab Azeem-ood-Dowlah alone,"[4] but because

(1) [Ed.] "Azim Jah, the son of Azim-ud-dowla, was informed that as the treaty of 1801 did not stipulate that the rank and dignity of Nawab of the Carnatic should be hereditary in the family of Azim-ud-dowla, his succession depended on the pleasure of the Supreme Government. Azim Jah was, however, recognised; but it was not considered necessary to conclude any new engagement with him." (Aitchison's *Treaties etc.*—Vol. X. p. 5).

2. *Carnatic Papers* p. 40. note *i. e.*, in 1819.

(3) Carnatic Papers, 1860, p. 48.

(4) [Ed.] Nawab Azam Jah was installed on the *musnud*, in 1820, six months after the death of his father, Nawab Azim-ud-dowla. "The delay was due to the absence from the treaty of 1801 of any stipulation regarding the succession." (H. D Love's *Descriptive List of Pictures in Government House and the Banqueting Hall, Madras*; 1903—*p.* 200).

his son and successor was "*ipso facto*," (by the fact of his accepting the succession) "*a party to it*;" not because a renewal would have been inexpedient and unprofitable, but because it would have been superfluous. The expression used by Lord Hastings that the elder brother was "*ipso facto* a party to the treaty concluded with his father,"—has no meaning except as an allusion to the collective hereditary rights and obligations of the family, and the special obligations of its head and representative.

Lord Harris also misinterprets the transactions of 1819. He says (§ 13—14 of his Minute):—"It will be remarked that the treaty has reference solely to the Prince Azeem-ood-dowlah... So apparent was this fact to the Government of Madras in 1819, that on the death of Azeem ood-dowlah in that year, they pointed out to the Government of India that *they were not authorised by the treaty to acknowledge any successor*."[1] No—I do not think this exactly represents what they pointed out. Neither Lord Dalhousie nor Lord Harris choose to quote the actual words of the despatches that passed between Madras and Calcutta; but it is quite clear, even from what they allow us to see, that no doubt was expressed or entertained in either quarter, as to the necessity of some member of the Wallajah family being nominated or acknowledged as successor to the deceased Nawab.[2] There was no hesitation anywhere on the

(1) Carnatic Papers, 1860, p. 10. [Ed.] see previous note.

(2) [Ed.] Sir John Malcolm who prepared a summary at Calcutta, of the proceedings relating to the Company's assumption of the administration of the Carnatic, from official papers, in 1802 or 1803, maintained that neither Ali Hussain, the reputed son of Omdut-ul-Omrah, nor Azim-ud-Dowla, the acknowledged son of Amir-ul-Omrah who was the favourite son of Wallajah, had a specific claim to the succession from the treaty of 1792 or from being heir to Omdut-ul-Omrah, whose own right was then considered by the Governor-General to be forfeited." The elevation of either of them was to be considered a measure of expediency and not of right; and the offer of the throne to either was "unconnected with any admission of his claim or title to the musnud." On this basis it may be held that the raising of Azim-ud-dowla to the throne was a matter concerning only himself and not necessarily continuing the right to his successors.

But even Malcolm had to admit that, from his letter of instructions to the Government of Madras, dated 28th March, 1800, long before any question of the respective claims of the two cousins to the succession was agitated, "it appears that the impression on the Governor-General's mind was, that the right of inheritance, if any such had existed, belonged to Azeem-ud-Dowlah." If there was such an idea, Azim-ud-dowla's hereditary right and consequently that of his successors appear stronger than would be otherwise the case. See The Carnatic Supplement—pp. 51–67 in Vol. V of Martin's *Wellesley Despatches*.

general question of a succession. But the Madras Government asked for particular instructions as to the line of descent, the forms and conditions of a succession. What they seem to have pointed out was that they were not authorised to acknowledge any particular member of the family as the unconditional successor. There is not a word of grace and favour throughout the correspondence that is published. Neither the Government of Madras nor that of India expressed the slightest doubt as to the hereditary nature of the dignity; the only doubt was whether the British Government, by the transactions of 1801, had not established and reserved to itself the right of regulating the succession, so that no member of the Wallajah family could be allowed to succeed immediately on the demise of a Nawab, "until he had executed some formal instrument recognising the condition under which he had succeeded."[1] The Madras Government did not doubt the rights of the family under the treaty of 1801, but doubted whether the direct heir ought to be installed, or could be held as bound to the same conditions as his father, without the special renewal of the treaty. The Government of India had no such doubt, and declared the treaty of 1801 to be in full force. The eldest son of that father succeeded accordingly; and another son of that same father now claims to succeed in due course. How can he be excluded? If the elder brother on his succession was "*ipso facto* a party to the treaty concluded with his father in 1801," so also must be the younger brother, on his becoming the head of the family.[2]

(1) Carnatic Papers, 1860, p. 35.

(2) [Ed.] The following table will enable the reader to grasp the details of succession.

Nawab Wallajah (*d.* 1795)
|
Amir-ul-Omrah (2nd son) (*d.* 1788)
|
Nawab Azim-ud-Dowlah (1801–1819)

Nawab Azam Jah (1820–1825)	Prince Azim Jah Naib-i-Mukhtar (Regent) for the minor Nawab, Ghulam Muhammad Ghaus, from 1825 to 1842; and Prince of Arcot from 1867.
Nawab Ghulam Muhammad Ghaus (1825–1855).	

Azum Jah died on the 13th November, 1825. On the 23rd December, the late Nawab Mahomed Ghous Khan, son of Azum Jah, was proclaimed by the Madras Government as successor to his deceased father. There was not a word of grace and favour on this occasion.

On the 14th January, 1829, the Court of Directors, in their public letter, express their approval of certain acts of the Madras Government, on the ground of Prince Azeem Jah's being "*the next heir* in case of the Nabob's demise,"[1] and, in 1843, Lord Tweeddales's Government caused the Prince's name to be placed first in the list of persons exempted from judicial process, "in consideration of the position he has lately occupied in communication with the British Government, and that which he holds in relation to his Highness the Nawab, and *to his succession to the musnud*."[2] In short, previously to the death of his nephew, Prince Azeem Jah had invariably been treated, both privately and officially, as heir presumptive and successor to the musnud. Not a hint or a surmise had ever been dropped against the hereditary rights of the family. It was not till after the late Nawab's death that the Prince received any intimation that his succession would be opposed. The late Nawab, Mahomed Ghous, died upon the 7th of October, 1855, without issue; and his uncle, Prince Azeem Jah, second son of the Nawab Azeem-ood-Dowlah, and heir to his nephew, according to Mahomedan law and custom, as in English law also, now claims to be his nephew's successor. And how can he be excluded? How could the East India Company expect to get rid of him, the *de jure* Sovereign of the Carnatic, the undoubted "heir" and lawful "successor," who claims under the favourable provisions of the treaty of 1792, expressly "renewed and confirmed" by the treaty of 1801,[3] made with his own father.

1. Carnatic Papers, 1860, p. 15.

2. Ditto p. 9.

(3) [Ed.] Article II of the treaty of 1801 renews such parts of the earlier treaties as "are calculated to strengthen the alliance, cement the friendship and identify the interests of the contracting parties.

I have shown that the hereditary right was never given up, or lost, or even assailed for fifty-four years after that treaty; it was in fact admitted and upheld by every Governor-General from Lord Wellesley down to Lord Dalhousie, and by every Governor of Madras from Lord Clive down to Lord Harris.

I shall now prove that the sovereignty of the Carnatic has never been alienated from the Wallajah family, and has never been acquired by the British Government. By the treaty of 1801 no territory is ceded, there is no transfer of sovereignty to the Company; all that is conveyed is the administration of the civil and military government.[1] By the treaty of 1801 the Arcot family were deprived of the administration of the Carnatic and of all real power beyond the walls of their palaces. A great change was introduced by the treaty of 1801, but most certainly no greater change than was expressly provided for by its terms. This treaty is by no means singular in its provisions. Just as the Nawab Azeem-ood-Dowlah in 1801 granted to the Company "the civil and military administration" of his territorial possessions, so did the Nizam of Hyderabad in 1853 assign Berar and other provinces to "the exclusive management" of the British Government.[2] In neither case was there any cession, or any relinquishment of sovereignty. We received the Carnatic from

(1) [Ed.] Even the title of the Treaty of 1801 runs thus :—"Treaty for settling the succession to the Soubahdarry of the territories of Arcot and for vesting the administration of the civil and military Government of the Carnatic Payen Ghaut in the United Company of Merchants trading to the East Indies." These words are repeated at the end of the first para of the Treaty, which, in Article 4, gives to the Company, "the sole and exclusive administration of the civil and military governments of all the territories and dependencies of the Carnatic Payen Ghaut, together with the full and exclusive rights to the revenues thereof (with the exception of such portion of the said revenues as shall be appropriated for the maintenance of the said Nabob and for the support of his dignity)......". This does not mean the transfer of full sovereignty over the Carnatic.

2. Parliamentary Papers, Nizam's Debts, 1854, p. 144. Scindia also assigned districts in 1843 : Vol. of Treaties, 1856, p. 92.

the Nawab, as we received Berar[1] from the Nizam, *as a trust* on certain conditions, and not as an absolute possession. And at the present day we hold the Carnatic, as we still hold Berar, as a trust,[2] and on no other terms. If any other terms exist, where are they to be found?

At no period of 1801 down to the present day could we have ceded the Carnatic, or any part of it, to any foreign power. We could not now cede the Carnatic, any more than the Nizam's province of Berar. We could not give a title to any foreign power. We could not even state a title for the British Government. We could not even point to any claim or assertion of a title by the British Government. The uninterrupted exercise of the civil and military administration for fifty years, seems to have blinded the Company as to the real nature of its connection

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(1) [Ed.] By the partition treaty of 1804, the Berar territories, ceded by the Bhonsla Raja, were made over to the Nizam. Between 1804 and 1820 the revenue of Berar declined by one-half owing to extravagant administration and the raids of the Bhils and the Pindaris. The notorious firm of Messrs. Palmer & Co., had made large loans at 24% for the numerous cavalry maintained in Berar. Puran Mal, a Hyderabad money-lender, then got most of Berar in farm. He was turned out in 1839, under pressure from the British Resident, in favour of Messrs. Pestonji & Co., who were enterprising exporters of cotton, and to whom, in 1841, Chandu Lal, the Nizam's minister, gave large assignments of revenue in Berar in repayment of loans to the state.

This firm had to withdraw from Berar when Chandu Lal resigned office in 1843. Since then, for several years, the pay of the Irregular Force maintained under the Treaty of 1800 had to be advanced by the British Government; and in 1853 the debt to it from unsatisfied claims amounted to 45 lakhs. Accordingly a new treaty was concluded with the Nizam under which the Hyderabad Contingent was to be maintained by the British Government, while, for the payment of this force and in satisfaction of other claims, districts yielding a gross revenue of 50 lakhs were assigned to the Company. The territory thus ceded, comprised besides Berar, the districts of Dharseo and the Raichur Doab. It was stipulated that accounts should be annually rendered to the Nizam and any surplus revenue accruing should be paid to him. Subsequent troubles arising from the necessity of rendering annual accounts and the levy of customs duties and the necessity rewarding the Nizam for his services during the Mutiny led to the conclusion of a new treaty with him in 1860, by which the arrears due from him were cancelled, the districts of Dharseo and Raichur were restored to him and the territory of Shorapur which had been confiscated for the rebellion of its Raja was given to him. In return he ceded certain districts on the left bank of the Godavari and agreed that Berar should be held in trust for the purposes specified in the treaty of 1853.

(2) This very term is used by Lord Clive himself in the Proclamation of 31st July 1801, already quoted several times: "His Lordship, in accepting the sacred trust transferred to the Company by the present engagements," invites the people of the Carnatic to a ready and cheerful obedience to the authority of the Company. Carnatic Papers, 1861, p. 105.

with the Sovereign of the Carnatic. The Nawab Azeem-ood-dowlah, his son and grandson, were not mere stipendiaries of the Honourable East India Company, but its allies.

Lord Harris however gives the following extraordinary opinion in his Minute (34, 35) :—" It is perhaps rather difficult to define the positions of the contracting parties, but there can be no doubt as to what those positions actually were. The Honourable East India Company was the dominant power; the family of Arcot were in the position of dependents".[1] If by using the equivocal term "dominant power," Lord Harris intended to say that the material power and general influence of the Honourable Company on the continent of India had, towards the latter part of the Nawab Wallajah's reign, increased to such an extent as to preponderate, or dominate very decidedly over the power and influence of the Nawab, then he is quite right.[2] But if by using the term "*dominant power*" he intended,—as I suppose he did,—to imply that the Honourable Company at any time assumed, or pretended to exalt itself to the position of Suzerain, Lord Paramount or superior, and to degrade the Nawab to the position of feudatory, vassel or inferior, then he is completely wrong.

The relative positions of the contracting parties were certainly very peculiar and very perplexing, were gradually complicated by opposing interests, and became at last almost contradictory in principle, and quite incompatible in practice, with the good government of Southern India. All this I am quite willing to admit; I am quite willing to admit that the

1. Carnatic Papers, 1860, p. 12.

(2) [Ed.] The 'dominant power' threatened Nawab Omdut-ul-Omra in May, 1801 that "it has become its duty to deprive him for the future means of injuring the British Government"; and it wrote thus :—"Wisdom and prudence require, justice and moderation warrant, that His Highness should not retain the possession of the actual resources, greater than shall be requisite for the support of the rank, which he shall hereafter be permitted to hold in the Carnatic. Reduced by his conduct to the condition of a public enemy, he has forfeited all positive right to any share of the Carnatic; and his future situation must be determined entirely by the prudence of the Company." Letter from the Marquess Wellesley to Lord Clive, dated May 28th, 1801 (Martin; Vol. II; p. 522).

settlement of 1801 has been beneficial in its results. All that I argue for is that it was a real settlement between two contracting parties; and that in that settlement their relative positions and mutual relations were not altered, either by the exaction of the stronger, or by the capitulation of the weaker party. The Nawab was still to be the Sovereign, the East India Company was to assume permanently those executive functions which under the former treaties it had frequently exercised for a limited period. Azeem-ood-Dowlah was the Sovereign, the Governor of Fort St. George was the administrator of the Carnatic.

These anomalous relations were in those days familiar to Indian politicians. The Great Mogul, whose Imperial supremacy was unquestioned, even by us, in whose name rupees were coined in the British mint, and to whom British Governors and Generals presented tribute and offered humble petitions, styling themselves his Majesty's "devoted slaves," had been for more than half a century subject to the custody and tutelage of a succession of upstart chieftains.[1] The Rajah of Sattara a pri-

(1) [Ed.] Madhava Rao Sindhia was the jailor and protector of the shadowy Emperor Shah Alam for a number of years. We read in General de Boigne's Memoirs the following significant picture of the position of the Emperor:— Such was the respect for the House of Taimur that, although the whole peninsula had been gradually withdrawn from its direct authority, there was not a prince in India who dared call himself "King." Shah Alam was still seated on the throne of the Mughal and all was still done in his name." This was in 1784.

In 1815, after the English had taken possession of Delhi and the protection of the Emperor, we find the Governor-General, Lord Hastings, refusing to visit Delhi because the then occupant of the palace, Shah Alam's son and successor, would not receive him on an equal footing. Criers still made public notices with the exordium: "The country is the Shah's; the power is the Company's; the people is the God's."— H. G. Keene's *Sindhia otherwise called Madhoji Patel*; p. 143.

The Sindia himself ostentatiously proclaimed at the Peishwa's durbar in 1792 that he was only the hereditary slipper-bearer of the Peishwa whom he now invested, in his capacity as the Emperor's messenger, with the office of Vice-Gerent of the Empire and with its symbolical insignia, after the latter deposited on an empty throne which represented the throne of the Emperor, an offering of 101 gold mohurs. Thus the Peishwa "the hereditary President of a dissolving confederacy, wore the order of the Silver Fish as the Lieutenant of a moribund empire."

The Peishwa himself had long overshadowed the descendants of the house of Shivaji; and by continuing to call himself only as the minister (Pant Pradhan) had all along been the actual master and head. Thus also Mahadji Sindhia "made himself a sovereign by calling himself a servant."

soner in his palace, was sovereign of the Mahratta Empire; the Peishwa was its executive head. So late indeed as the year 1818 the British Government negotiated a treaty by which Maha Rao Omed Singh was recognised as the sovereign of Kota,[1] while Raj Rana Zalim Sing was constituted hereditary and absolute administrator of the principality."[2] And even within the sphere of European politics there have been not a few instances of a similar arrangement. The King of Prussia was sovereign of Neufchatel,[3] which was under republican government, and formed part of the Swiss confideracy. The Sultan is

(1) [Ed.] The principality of Kotah was an offshoot from Bundi and was formed about A. D. 1579. It was in the continuous possession of the family of Madho Singh, its founder, until the time of Umed Singh with whom the British Government formed their first connection. Kota was saved from ruin by its talented minister, Raj Rana Zalim Singh, into whose hands Umed Singh had surrendered all power. Zalim Singh was the first of the Rajput chiefs to co-operate with the English in the suppression of the Pindaris in 1817. Through him a treaty was concluded, in December 1817, with Umed Singh by which Kotah was taken under British protection and the tribute formerly payable to the Marathas was now made payable to them. A supplementary article was added to the treaty by which the administration was vested in Zalim Singh and his descendants, while the nominal chiefship was to descend to the line of Umed Singh; and the tributary claims on the personal estate of Zalim Singh were remitted. The supplementary article was ratified by the Governor-General in March, 1818. Umed Singh's successor, Kishor Singh, attempted to secure the actual administration from Zalim Singh by force; but he was forced to recognise, in 1821, the perpetual succession to the administration of Zalim Singh and his heirs. Subsequently in 1834, when a serious dispute occurred between the Maharao and Madan Singh, the incompetent son and successor of Zalim Singh, a new principality of Jhalawar was created as a separate provision for the descendants of Zalim Singh, by the separation of 17 parganahs from the state.

(2) "After Maha Rao, Omed Singh, the Raja of Kotá, the principality shall descend to his eldest son and heir apparent, Maharaj Koowar Kishore Sing, and his heirs, in regular succession and perpetuity; and the entire administration of the affairs of the principality shall be vested in Raj Rana Zalim Sing, and after him in his eldest son Koowar Madhoo Sing, and his heirs, in regular succession and perpetuity." Volume of Treaties, 1853, p. 443. The system did not prove harmonious; and, after several struggles, we had to arrange matters again in 1838, when by a new treaty the territory was divided between the Sovereign and the hereditary ruler, and now forms the two states of Kota and Jhallawur.

(3) [Ed.] In 1848 the Neufchatallois had thrown off the easy yoke of the King of Prussia's sovereignty. In the Canton the loyalists protested against the pure democratic constitution that had been instituted. In the London Conferences of 1852, the Great Powers recognised, on the suggestion of Baron Brunnow, the rights of the Prussian Crown to Neufchatel (which it had never surrendered). At the Peace Congress of Paris, the Prussian plenipotentiaries recalled those rights to the remembrance of the Great Powers. After further negotiations, a conference of the four neutral Great Powers met at Paris in 1857 the representatives of Prussia and the Swiss State. And it was settled that the King of Prussia was to retain the title of the Prince of Neufchatel and receive a million dollars in compensation of his rights. Ward & Wilkinson's *Germany*: Vol. II: pp. 16–20.

Sovereign of the Danubian provinces, of Servia and of Egypt, yet he is by treaty forbidden to interfere in their ordinary administration.[1] The Queen governs the Ionian Islands, of which she is not the Sovereign.[2]

Although, therefore, it may be difficult, as Lord Harris says, to define the peculiar relation of the contracting parties, it will be seen that this relation is not incapable of being defined, that this relation was by no means singular or unparalleled, and that Lord Harris's own definition of the East India Company as "the dominant power," and the Nawab as "a dependent," is a direct contradiction of the facts of history, and of the terms of all the recorded engagements between the parties.

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(1) The Danubian Principalities, Moldavia and Wallachia, were integral parts of the Ottoman Empire till 1774, when Russia acquired the right of intervention in them by the Treaty of Kutchuk Kainardji. In 1812 Russia received the eastern portion of Moldavia, known as Bessarabia, according to the Treaty of Bucharest. Under the Treaty of Adrianople (1829), the principalities became protectorates of the Russian Empire, while remaining nominally under Ottoman suzerainty. Owing to Austrian jealousy of Russian expansion, the Treaty of Paris (1856) which ended the Crimean War, converted them into autonomous states under Ottoman suzerainty.

As early as 1806, the Ottoman Sultan was forced to yield complete autonomy to Serbia under her peasant leader, Kara George. Then there was a revival of Turkish oppression; and in 1815, the Sultan again conceded self-government to Serbia under another peasant-leader, Milosh Obrenovich and in fear of Russian pressure. The Treaty of Adrianople erected Serbia into what was practically an independent state, under Milosh, as the hereditary prince Michael Obrenovich III, who was Prince of Serbia (1860–8) induced the Porte to withdraw all Turkish garrisons from the Serbian fortresses.

In 1841, under pressure from the powers, the Turkish Porte was compelled to confer on the famous Egyptian viceroy, Mehemet Ali, and his descendants in primogeniture, the hereditary *pashalik* of Egypt in return for an annual tribute. The Ottoman Sultan could control only the appointments of the higher army officers of Egypt.

(2) The Ionian Islands were placed under a British protectorate in 1815, by the Treaty of Paris, exercised through a High Commissioner. In 1862–3, when the selection of a Greek King was occupying the attention of the Powers, Britain consented to the union of the Islands with Greece, and the union was effected in 1864, thus ending the connection of half a century between Britain and the Islands, which had all along retained their autonomous constitution.

The East India Company, possessing Madras and Cuddalore,[1] and districts in other parts of India, by grants from Hindoo Rajahs, the Nizam, the Nawab o. Bengal and the Great Mogul,—quite irrespective of the Nawab's authority,—and also as a military power, were allies of the Nawab, and dealt with him on terms of perfect equality. But with respect to their other holdings in the Carnatic the Nawab was the Suzerain, the Company was the Vassal

Wallajah, who found the British in possession only of Madras and Cuddalore, made successive grants, by *sunnud*, of Poonamallee and other talooks, to round off the Company's domain; and in 1763 he made over to his allies the district formerly called the Jaghire, now the Zillah of Chingleput, with a revenue of eighteen lakhs of rupees. The English Company, though rapidly acquiring a superiority of material power, were still technically and formally feudatories of the Nawab, and held all their territory, except the town of Madras, as Jaghires under *sunnud* from him as Sovereign of the country;[2] and these technical and formal

(1) [Ed.] A conspectus of English acquisitions in the Presidency besides the Carnatic:—Cuddalore was acquired in 1682; and Fort St. David was built at Tegnapatam to its north in 1690. The fort of Tellicherry was built in 1683. Devicottah was got from the ruler of Tanjore in 1749; and Masulipatam was taken from the French in 1759. The Masulipatam Sarkar and the other five Northern Sarkars were confirmed in the English possession by grants of the Mughal Emperor and the Nizam in the years 1759–68. The Dutch settlements of Pulicat, Sadras and Negapatam were annexed in 1781. Nagore was ceded by the Raja of Tanjore in 1778; and the districts of Malabar and Salem and the Dindigul division of Madura were acquired from Tipu in 1792. The territories given to the Nizam by the Mysore treaties of 1792 and 1799, together with the taluk of Adoni and others were acquired from the Nizam in 1800. The administration of Tanjore was taken over in 1799; and Kurnool was annexed in 1842; while Tranquebar was ceded by the Danes in 1845. Canara and Coimbatore fell into English hands on Tipu's fall in 1799.

(2) [Ed.] The Nawab gave a *sanad* in October 1763 for the grant to the Company in jaghir, of seven magans belonging to the *sarkar* of Tripassore, of an annual value of nearly 17,000 pagodas. Next he issued a *sanad* conferring the Chingleput District in jaghir, of the value of over 98,000 pagodas, besides Covelong, Manimangalam, Sriharikotta, Tripassore, Peddapollam, Perumbakam, Saliwakkam, Conjeevaram etc.; the total annual revenue for all these was upwards of four and a half lakhs of pagodas. Another sanad, dated 28th August 1765, was issued under the great seal of the Nawab "for the several places that form the Company's jaghire in

relations between the two parties were not only left intact by the treaty of 1801, but have never been disputed or questioned either before or since the death of the late Nawab in 1855.

The importance that was attached by the East India Company to the recognition of Mahomed Ali as Sovereign of the Carnatic by the treaty of Paris, appears strongly marked in a letter from the Court of Directors to the Government of Fort St. George, dated March 9th, 1763 :—"A farther advantage we hope to drive from the recognition of this Prince" (the Nawab) "and of Salabut Jung," (the Nizam) "whose title you will see is also acknowledged is that *it is a confirmation of our title to the territories we hold under grants from those Princes*, and a farther security to the peace of the country, leaving the French no colour to interpose hereafter in favour of any other pretenders *to the sovereignty of the Deccan or the Carnatic.*"[1]

During the reign of Azum Jah, son and successor of Azeem-ood-Dowlah, Sir Thomas Munro, then Governor of Madras, thus refers to Article 3 of the Treaty of 1801.—"By this the Nawab *does not relinquish his sovereignty*. He merely renews the article of former treaties by which he engaged not to correspond with foreign states without the consent of the Company.

"The fifth part of the revenue is his claim *as Sovereign of the whole Carnatic.*

"He is still *Prince of the Carnatic, and he is a party to the treaty by which one-fifth part of the revenue is secured to him.*

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which the former and the present grant are included," comprising also the old grants of Madras, San Thome district, Poonamalle district and the Tiruvendipuram jaghir, near Fort St. David, with a revenue of over 42,000 pagodas ; and also including all the villages excepted in the grant of 1763, with an annual value of 34,500 pagodas. The Nawab wrote in his own handwriting:—" In consideration of the true friendship of the English East India Company and their remaining always in alliance with me, let a sunnud for whole jaghire without any exception be made out"—on the back of the sunnud. The Great Mogul's *farman* of the 12th August, 1765 was a confirmation of the Nawab's grants to the Company in the Carnatic.

1. Asiatic Annual Register, Vol. X 1808, p. 495.

"The present assumption of the country is permanent *the relative situations of the Company, and the Nawab, are th same as in former cases of assumption. The Nawab is st Prince of the Carnatic*, and receives in that capacity one-fif of the net revenue."[1]

And it must be observed that in alluding to "*forme cases of assumption*",—when under the old treaties the Compan assumed the administration of the Carnatic during the wars the French, Hyder and Tippoo,—Sir Thomas Munro declares tha the relative situations" of the Company and the Nawab Azun Jah, son of Azeem ood Dowlah, are the same as in the time the Nawab Wallajah and his son Omdut-ool-Oomra.[2]

The following extract of a letter from Fort St. Geor to the Court of Directors, dated 17th February 1802, will show that the Sovereignty and feudal supremacy in the Carnatic of the Nawab were, after the treaty of 1801, upheld by the British Government, both in India and at Home, undisturbed unchanged, and undiminished.

Paragraph 69.—"Having received from the Resident at ravancore an application on the part of the Rajah requesting

1. Gleig's *Life of Sir Thomas Munro*, Vol. II. p. 356.—[Ed.] Munro's contention, in this case, was that an *altamgha* grant made by Wallajah and renewed by Omdat-ul-Omra, was of a political nature and not properly cognizable in a civil court. In this connection he drew attention to some of the articles of the treaty of 1801 and tried to prove that the assumption of the Carnatic by the Company in 1801, though more permanent than previous assumptions, did not alter the relative situations of the Company and the Nawab and that, without a breach of the treaty, and except with the Nawab's consent, could any of the articles be altered. No grant previously made by the Nawab and guaranteed impliedly by the treaty could be taken away by the courts. And "any breach of the treaty is cognizable by the Government at home and not by the Supreme Court here (Madras)."—Appendix X; Munro's "minute (in consultation, 15th March, 1822) on certain erroneous proceedings and decision of the Supreme Court at Madras relative to a jagheer."

(2) [Ed.] Munro wrote that "the relative situations of the Nawab and the Company are the same as in former cases of assumption", and doubted whether the Supreme Court of Madras could legally exercise jurisdiction in the Carnatic, even in cases of private property. "Had the Nabob retained the civil administration, it certainly could not have done so, neither could it have done so under a temporary assumption similar to what has occurred at former periods." (*ibid*—p. 327 of Gleig's *Munro*; Vol. II (1830).

to be made acquainted with the channel through which his stipulated annual payments were in future to be made *to his immediate superior Lord*, we directed his Excellency to be informed that the *Peshcush, nuzzuranahs and nuzzurs* payable by his Excellency were to be transmitted, according to the ancient usage, to the Durbar of the Nabob of the Carnatic."[1] And in a letter from Fort St. George to the Court of Directors, dated the 22nd February 1803, it is said:—"We have the honour to inform you that, conformably to the principle already explained to your Honourable Court, the Rajah of Travancore has paid to his Highness the Nabob, *as the Sovereign of the Carnatic*, the sum of 2266 pagodas and 15 annas, in full discharge of the Peishcush and Cape Comorin Nuzzurana, due to his Highness for the preceding Phuzly."[2]

The Travancore Peishcush always continued to be paid into the Nawab's treasury;[3] but since the late Nawab's death, it has been transferred to the Madras Government, and appears

(1) Carnatic Papers, 1861, p. 118.

(2) Carnatic Papers, 1861, p. 127.

(3) [Ed.] A sum of rupees 13,319-8-0 a year is paid by the Travancore State to the British Government, being the equivalent of the *peshkash* and the *nazarana* which the Raja agreed to pay to the Nawab of the Carnatic in 1764. This was included in the amount payable to the British Government, when, long after the treaty between Raja Rama Varma and the Company, concluded in 1805, the subsidy payable by the Travancore State was fixed definitely at 8 lakhs of rupees per annum.

In 1758, Yusuf Khan, the Nawab's agent, seeing the mischief created by Maphuz Khan, proposed that the ruler of Travancore might be given the territory of Calacad, as the price of his friendship in subduing the unruly Vadakara Poligar and Pulitevan. Later, the Travancore ruler was attempted to be seduced from his loyalty by Yusuf Khan himself who had turned a rebel and was defeated by the Travancore forces. Though the Travancore ruler was reinstated in the possession of the districts round Calacad under the authority of the Madras Governor, he was forced to evacuate the districts as the Nawab Wallajah who had arrived at Tinnevelly with the Company's troops, pressed him to retire under threat of an invasion (1764). The Madras Government to whom the Raja appealed, appointed Engineer Call to arbitrate between the Nawab's ambassador and the Travancore minister. The parties met at Nagercoil in November, 1764; and the Nawab's demands, (1) he should possess all the lands east of the mountains from Vadakara, including Shencottah; (2) the Raja should pay a lakh of rupees yearly on account of the lands taken by him; and (3) the yearly tribute paid by the rulers of Travancore to the rulers of Trichinopoly be reduced to

among the receipts of 1861-62 with the following extraordinary entry "Rajah of Travancore, *on account of the late Nabob of the Carnatic*,—13,320 Rupees."[1]

Lord Dalhousie absurdly enough says in his Minute,[2] "that no grant of anything is made by this treaty," that of 1801, "to any one but the Nawab Azeem ood-Dowlah himself." Really and truly, nothing was granted by it to any one but the East India Company. The Nawab was established in his ancestral possessions, and then became the grantor; the Company was the grantee.

Rs. 50,000; were strongly supported by Mr. Call. The Rajah persuaded the chief and factors of Anjengo to get Madras to settle the dispute in his favour. The Nawab insisted that the districts of Calacad never at any time belonged to Travancore, but had been improperly alienated by Yusuf Khan and that Shencottah and the adjacent districts were all dependent on Tinnevelly and were given to the Raja on a yearly rent, during the days of Nayak rule. The Nawab finally made an agreement with the Raja of Travancore in December 1766 (Rajab, 1180 Hijra) by which he gave a *cowle* in return for five *muchalikas* offered by the Raja, consenting (1) to receive 2 lakhs of rupees in cash on account of the former treaty and the plunder of Calacad; (2) to give up to the Raja the villages of Shencottah and the pagoda of Cape Comorin in return for 3,700 Madura white chakras; and (3) to received a fixed *peshcush* exclusive of durbar charges according to *mamul*. All the *muchalikas* of the Rajah, except one and the Nawab's *cowle* are dated 11th Rajab, 1180 Hijri; and the latter applies only the title of "Zamindar of Malabar in the Karnatak Payenghat" to the ruler of Travancore who uses this title in his *muchalikas* also. The second *muchalika* fixes the *peshcush* at 4,000 Tirmakuli chakras and a large elephant with tusks fit for *sawari*, independent of the established Durbar charges. (*vide* Aitchison Vol. X (1909); pp. 117-119 (footnotes); and Nagam Aiya's *The State Manual of Travancore*; Vol. I; *pp*. 373-379).

The treaty between Wallajah and the ruler of Travancore fixed that the peshcush and the nazarana should be paid to the *sarkar* of Hazrat Nawab Wallajah. A letter of Lord William Bentinck, Governor of Madras, addressed to the Nawab Azim-ud-Dowla, dated 23rd October, 1804, encloses the copy of a letter from the Resident in Travancore respecting the payment of the amount of peshcush and nazarana due by the Government of Travancore to the Nawab for fasli 1213. This is in reply to a letter addressed by the Nawab to the Governor on the 4th April preceding, requesting that "the accustomary Peshcush and Nazaranah from the Rajah of Travancore for the Fusly year 1212 which ended on the 13th July 1803 are due to me as the Sovereign of the Carnatic; and that it might be arranged for, along with "an elephant suitable for the personal use of the Sovereign of the Carnatic" that should be annually sent. (*Records of Fort St. George—Country Correspondence, Political Department, 1804*—Letters No. 7 & 8 & 33).

1. Madras Administration Report, 1861–62, para 604, p. 106.

2. Para 7, p. 48, Carnatic Papers, 1860.

From the first addition made to the limits of the town of Madras,[1] from the grants of the Poonamallee and the Jaghire down to the transfer by Azeem-ood-Dowlah of the civil and military government, the Nawabs were always the grantors and we the recipients. And whatever they, the Sovereigns in possession, did not grant, they retained. When Azeem-ood-Dowlah relinquished by treaty the administration to the Company, he still remained the hereditary Sovereign of the Carnatic, and as, I have shown by official documents, he was repeatedly recognised and proclaimed as Sovereign by the British Government. Two successions have taken place since his death; his son Azum Jah, and his grandson, Mahomed Ghous, have occupied the musnud; and since the death of the late Nawab our Government has made no proclamation, has laid no claim publicly or officially to the sovereignty. Prince Azeem Jah is the son of Azeem-ood-Dowlah; and by the death of his nephew the late Nawab, whose heir he is equally by Mahomedan and by English law, he has become the representative not merely of his father, but of Ali Hoossain his father's cousin, who was set aside because he refused to consent to the terms of 1801, and of his great-grandfather Mahomed Ali, his grand-uncle Omdut-ool-Omra, and, both in the male and female lines, of his great-great-grandfather, Anwar-ood-deen Khan, the

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(1) [Ed.] San Thomé was taken possession of by the English Admiral, Boscawen, in 1749, on behalf of Muhammad Ali who easily gave a *farman* for the English occupation of the place. Triplicane was definitely given over to the English in 1672 by the then Muhammadan rulers of the land for an annual rent of 50 pagodas. The villages of Egmore, Purasawalkam and Tondiarpet were first rented out and directly acquired by the Company from the Nawabs in 1720. Five new villages as contrasted with these old ones, and comprising Tiruvottiyur, Nungambakam, Vyasarpady, Kathiwakam and Sathangadu were given over by a *farman* of Nawab Daud Khan in 1708 and confirmed by an imperial *farman* of the Great Mughal, Farrukh Siyar, at the time of Surman's embassy. In 1742 the Nawab gave the English Periamet and Vepery, Perambore, Pudupakam, Ernavore and Sadayankuppam, along with the right of coining Arcot rupees.

founder of the dynasty.[1] To all intents and purposes, by every principle of law, by the terms of solemn treaties, in justice and in fact, the sovereignty of the Carnatic is at present inherent in the person of Prince Azeem Jah. And it is a Matter of fact that not only has that Sovereignty never been lawfully acquired, but it has never even been assumed or claimed by our Government.

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1. **Table of Prince Azeem Jah's Decent.**

Anwar-ood-deen Khan, Nawab of the Carnatic, 1744, killed in battle, 1749, succeeded by

his | son

Mahomed Ali, afterwards by Royal Firman entitled Walla Jah Ameer-ul-Hind, died October 13, 1795 leaving

Eldest Son

Omdut-ul-Omra who succeeded his Father, and died 15th July, 1801.

Left reputed son, Ali Hoossain, died 6th April, 1802, without issue.

Azum Jah, succeeded his Father died 12th November 1825, leaving an infant son,

Mahomed Ghous Khan, who succeeded his father under the Regency of his uncle, Azeem Jah. Died without issue, 7th October, 1855.

Second Son

Ameer-ul-Omrah died leaving a son

Azeem-ood-Dowlah, succeeded his uncle, Omdut-ul-Omrah: died 3rd August 1819.

Azeem Jah, now *de jure* Nawab

Lord Harris, with a marvellous want of knowledge of the existing facts, which is only equalled by his ignorance of the past history of this case, says in para 60 of his Minute, (Carnatic Papers, 1860, p. 14), that "Prince Azeem Jah has no legitimate sons." He has four,-(1) Zaheer-ood-Dowla Mahomed Ali Khan, son of a *nikah* wife, married after his birth; (2) Intizam-ool-Moolk Ahmed-oollah Khan; (3) Oomdut-ood-dowlah Noor-oollah Khan; and (4) Mowzaz-ood-dowlah Mahee-ood-deen Yar Khan, the last three being all sons of one mother, the late Saadut oon-Nissa Begum, a lady of highly respectable family, daughter of Khan Mahomed Khan, whose grand father was the last hereditary Killadar of Beejapoor. Lord Harris was probably misled by the vulgar notion that the custom of Shadee is necessary to complete a regular marriage. This is altogether erroneous, as the legal advisors of Government would have told him.

Our possession of the right to rule secures the right to reign to the head of the Wallajah family. Azeem-ood-dowlah was a hereditary Sovereign Prince; and whatever was his status, and whatever were his rights, under the treaty of 1801, such was the status and such were the rights of his two successors, for that treaty was repeatedly referred to by the British Government as in full force and effect, and its provisions were quoted as binding upon both parties, down to the very year 1855 in which the late Nawab died.[1] And such are the rights of the late Nawab's legal heir. And such will be the rights of the representative head of the Wallajah family, so long as any legitimate representative may exist.

And if it should be objected that it is absurd to employ this tone of high prerogative and right divine when speaking of a very recent line of the representative of a very recent line of Princes,—the last three of whom possessed merely a pageant sovereignty,—I reply that our only right to the occupation and administration of Southern India, our only moral claim to the submission and obedience of its inhabitants, is derived from the unquestioned sovereignty of that line of Princes, which

Additional Note—[Ed.] The Letter Patent of Queen Victoria dated 2nd August, 1870, relating to the creation of Azim Jah as Ameer-i-Arcot or Prince of Arcot, fixes the succession to his four sons, Bade-ullah Zahir-ud-daula; Ahmad-ullah, Muntazim-ud-daula; Nurullah Miyan Omdul-ud-daula; and Ghulam Mohiud-din, Mouzaz-ud-daula—"severally and successively one after another for their natural lives, in such order and succession as the said Azeem Jah......shall by writing under his hand nominate and appoint..." and then to such of the lawful grandsons in the male line of descent of the Amir-i-Arcot Azim Jah, as may be selected by the Crown" Azim Jah was succeeded in the dignity by Zahir-ud-daula in 1874; the next Prince of Arcot was Muntazam-ud-daula (1879–89); and the 4th was Prince Muhammad Munawwar Ali, son of Muazzaz-ud-daula who enjoyed the dignity from 1889 to 1903. He was followed by his son Prince Ghulam Muhammad Ali in 1903.

1. The Madras Government, "after quoting the 5th Article of the Treaty, remarked (in Extract from the Minutes of Consultation, dated 7th December 1847) that these ladies having long enjoyed the stipends assigned to them, the character and good faith of the British Government were concerned, and that His Highness was bound *by the Treaty* to support them." Papers relating to Carnatic Stipendiaries Madras, 1858, p. 327. There are many similar references to the treaty to be found in the proceedings of the Madras Government.

we have repeatedly bound ourselves to maintain. The English had certainly no natural rights; any that they enjoyed were held under grant from the native Sovereign. The Company acquired no rights by conquest from the Nawab Wallajah or from the Nawab Omdut-ool-Oomra, because not only had they never been at war, but they had continually been close allies. Nothing was acquired from Azeem-ood-Dowlah except what was expressly granted by the treaty of 1801. I have shown that all our promises and engagements in every form, even to the personal assurances of the reigning King of England, were renewed and confirmed when Azeem-ood Dowlah was placed on the musnud.[1] If he consented to divest himself of the substance of political power, it was only on the faith of a solemn treaty,—according to the terms of which, by written and spoken declarations, and by the forms, ceremonies and observances at his accession, it was distinctly proclaimed that he remained Sovereign of the Carnatic, with the right to a certain share of the revenue, and that nothing was gained by the East India Company but the perpetual civil and military adminstration. In the present state of affairs it is quite open to any hostile person or power to declare that we hold the Carnatic by no tenure or warrant whatever; that the country has never been ceded to us, or conquered by us, or confiscated by us; that up to October 1855, we administered the Government under the treaty of 1801 as trustees for the head of the Wallajah family; but that since that time we have violated the treaty by withholding his stipulated share of the revenue from the Sovereign; [2] and that we are now simply in contumacious possession, without any right or title or pretext whatever.

(1) [Ed.] Nawab Azim-ud-Dowla wrote letters to King George III on the 6th September, 1803 and to H. R. H. The Prince of Wales, on the same date, assuring them of his loyalty and attachment to the British Crown. These letters were sent by Lord Clive, the departing Governor, along with other letters to Lord Cornwallis and to the Chairman of the Court of Directors. They received suitable replies.

(2) [Ed.] Refer to note on p. 110, where Governor Sir Thomas Munro, in his Minute in Consultation, 15th March, 1822, distinctly declared that the Nawab's right to the fifth part of the net revenue of the Carnatic secured to him by the fifth article

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I can cast divine right and personal sovereignty to the winds, when the intelligent will and choice of the people revolt against such sanctions; but India has not yet arrived at that stage of political education, and I can see no advantage to be gained by its untimely and factitious development. I have no rooted objection to revolutions, whether of popular, dynastic or even of foreign origin; my opinion is that when they make their appearance they are wanted. I hold the ancient dogma of hereditary monarchy very cheap, when it opposes or obstructs the public liberties or the common weal; but here there is no such question involved. In claiming the sovereignty Prince Azeem Jah can claim no legal power, no authority to interfere with or influence the legislative or executive action of our Government. The hereditary sovereignty of the Carnatic, secured by a series of uncancelled treaties to the Wallajah family, remains undisputed, unimpugned and unclaimed by any opponent, even by us, inherent in the person of Prince Azeem-Jah. In claiming our acknowledgment of that sovereignty he is simply pleading for the existence, protesting against the extinction of the Wallajah family, which is either a Royal House, having rights under the treaty of 1801, and under the friendly and favourable clauses of the old treaties,[1] or it is nothing, and our right to the civil and military Government and to the revenues of the Carnatic, is a nonentity. The two rights stand and fall together. Is the Wallajah family extinct? If so, our Government ought to proclaim the fact, and assume the

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of the treaty of 1801 is "his claim as sovereign of the whole of the Carnatic" and is "the revenue which remains after providing for the civil and military charges"; and that the Nawab "has a right to object to any measure, which by the increase of grants or otherwise, may tend to a diminution of his dues."

1. Article 2 of Treaty of 1801. [Ed.] "Such parts of the treaties heretofore concluded between the said East India Company and their Highnesses, heretofore Nawabs of the Carnatic, as are calculated to strengthen the alliance, to cement the friendship, and to identify the interests of the contracting parties, are hereby renewed and confirmed, and accordingly the friends or enemies of either are the friends and enemies of both parties." This definitely renews the friendly and favourable clauses and provisions of the previous treaties.—*Vide* note 3 on p. 101.

sovereignty. This proclamation should be made, because it is the public duty of the actual administrators of the country, to prevent and forbid any feeling, now or hereafter, of unsettled or doubtful allegiance; and the proclamation should be made in the Queen's name, assuming the territorial sovereignty as a lapse or escheat to the *de facto* paramount power, and the *de iure* ruling power. But this proclamation never has been and never will be made, for there would be a falsehood on the face of it. The royal family of the Carnatic is not extinct, nor is it likely to be so. We have certainly acquired no right by Usucaption or Prescription,[1] for up to the late Nawab's decease the existence of his sovereignty and of our administrative trust were never disputed; and since his decease the lawful successor has kept up a continuous claim. Prescription is entirely on the side of the Wallajah family. If then the family not being extinct, we yet refuse to acknowledge the right of its head to the dignity of Nawab and to the stipulated share of the revenue, the treaties are violated, and our right to the civil and military administration and to the rest of the revenue, absolutely ceases and expires. Our actual power may perhaps be unimpaired,—but, said the great Lord Chatham, "Power without right is a thing hateful in itself, and ever declining to its fall."

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1. See Grotius, Droit de la Guerre et de la Paix, liv. ii. chap. iv. Amsterdam, 1724.

LETTER IV

THE MUSNUD IN ABEYANCE

Not only was the alleged treachery of Wallajah and his son Omdut-ool-Omra employed by Lord Wellesley in 1801 as the instrument for extorting the civil and military administration of the Carnatic from Azeem-ood-Dowlah, but it is in fact the solitary plea brought forward by Lords Harris and Dalhousie for depriving Prince Azeem Jah of the inheritance secured to him by treaty. The noble Lords revive these ridiculous charges, and assert that as a consequence of their being proved against the two Nawabs, the treaty of 1792, and all previous engagements, were "abrogated" and a merely "personal" treaty concluded with Azeem-ood-Dowlah.[1] I showed in my last letter that this assertion is totally incorrect, and that on the contrary those treaties, so far as the hereditary right is concerned, are expressly confirmed by the treaty of 1801. But as the denial of justice is entirely based upon this alleged treachery, by which the Wallajah family are said to have become "public enemies," and to have justly "forfeited their territories,"

(1) [Ed.] Sir Edwin Arnold pertinently makes the following remark :—"And if the spoliation is to rely upon the charge of treason against the great-uncle, great grand-father of Azeem Jah, it is first necessary to repeat the doctrine of inherited crime alleged of old against Ali Houssein, and next to prove that treason was meditated between the Carnatic Nabobs and Hyder Ali or Tippoo Sultan"—Vol. II; p. 180.

Dalhousie maintained that the accessions of Nawab Azam Jah in 1819 and of Nawab Muhammad Ghaus in 1825 were "permitted without reference to inheritance"; and the putting forward by Azeem Jah of certain allusions made in former official papers referring to him as the heir of his nephew, Muhammad Ghaus, would only indicate an expectation or intention on the part of the British Government that he would be allowed to succeed his nephew if the latter should die childless. But he stressed that "to indicate an expectation or *even an intention* is not to recognise or confer a right."

and as Lord Dalhousie, with all his command of words of equivocal meaning, could not have made the slightest attack upon Prince Azeem Jah's rights without reviving these apocryphal slanders, I will consent, under protest, to pay a little more attention to them. I protest against being supposed to lie under any obligation to notice them, because, as I have already observed, that matter was decided by the treaty of 1801, which was imposed upon Azeem-ood-Dowlah, without any discussion or negotiation, by our superior power,[1] but by which no greater change, no greater penalty, can have been introduced than was expressly provided for by its terms.

We are called upon then to believe that the Nawab Wallajah, in his old age, after fifty years of faithful alliance and friendship with the English, and thirty years of almost incessant warfare with Hyder Ali and Tippoo Sultan,—[2] both of whom, and especially the latter, had seized every opportunity of injuring him and of loading him with insults,—suddenly took it into his head to conspire against his friends of half a century, and to league with his enemies of thirty years. And we are called upon to believe that the time chosen for this sudden change of policy was just when the power of his friends was apparently established without a competitor, and when the power of his old enemy had fallen to nothing, beneath all hope of recovery. Wallajah and Omdut-ool-Omra are accused of having begun their hostile intrigues with Tippoo in 1792, after Lord Cornwallis's campaign when he had been compelled to cede half his dominions, to pay three crores and thirty lacks of rupees as a war indemnity, and to submit to the humiliating condition

(1) [Ed.] Note the sentence in the Proclamation dated July 27, 1801 of the Madras Government embodying in a declaration the grounds and motives by which the Treaty of 1801 was brought out, which openly maintains that "the duty and necessity of self-defence require the British Government, under the circumstances of this case, to exercise its power in the attainment of an adequate security for its rights."

(2) [Ed.] Muhammad Ali is said by an early historian to have regarded the spring of Hyder's fortunes "as the autumn of his own prosperity."

of sending two of his sons as hostages to Madras. And it is with two of Tippoo's officials who were sent to Madras in attendance on these young Princes, that the Nawabs are accused of having concerted and carried on this desparate conspiracy with their discomfited foe against their triumphant friends and allies.[1]

Extravagantly improbable as such a tale of conspiracy must appear, we should of course be bound to believe it if a sufficiency of evidence were produced. But not only is there no trustworthy evidence brought forward, but if every statement made by Gholam Ali and Ali Reza, Tippoo Sultan's Wakeels, both in their written reports from Madras found among the records at Seringapatam,[2] and in their depositions before the commission of enquiry, were to be accepted as truth, it would amount to nothing. The proofs of dark designs and hostile intentions on the part of Wallajah and his eldest son, which were collected by the commission of enquiry, are really so frivolous, even if considered as true, that but for the strong bias towards any conclusion affording a pretext for assuming the administration of the Carnatic, which we know from his previous endeavours in that

(1) [Ed.] Lord Cornwallis is supposed to have recommended to Nawab Wallajah, according to the testimony of the latter's officers, a conciliatory attitude towards Tipu Sultan after the campaign of 1792. Another circumstance to be noticed is that the letters in question "contained not the expressions of the Nabob, but only the expressions of the vakeels reporting them; and that Indian agents, reporting to their principals, seldom pay any regard to realities, but, as far as they can go with advantage to themselves, heighten whatsoever they think will be agreeable to their master, extenuate whatsoever they think he will dislike." (Mill's *History of British India*—Book VI. Ch. X).

(2) [Ed.] Besides the reports of the Vakils, there were the letters of Tipu, commissioning them to procure secret intelligence and furnishing them with a cipher for carrying it on. The Vakils in their report gave an account of the deportment of the Nawab of Arcot towards the hostage princes of Mysore and towards themselves, and of the conversations which took place between them. "The letters of Tipu contain no more than a return of the civil expressions of the Nabob; vague declarations of good will couched in a similar style. The key to the cipher shows that Wallajah was designated by the term, *Well-Wisher of mankind*, the English by that of *New-Comers*, the Nizam by that of *Nothingness*, the Mahrattas that of *Despicable*, and so on."

direction actuated Lord Wellesley, we should be surprised that he did not throw the whole mass of gossip and guess-work into his waste paper basket.

As Lord Wellesley and Lord Clive, Lord Dalhousie and Lord Harris speak about "a treasonable correspondence" having been discovered, we naturally expect to hear an awful revelation of diabolical wickedness. But there is really nothing. All that the Government ventured to publish some years after the event,—Lords Harris and Dalhousie do not quote a word,—amounts to this, that Tippoo's Wakeels in their written reports to their own master, represent Wallajah as dissatisfied with his subordination to the Company, and declare that he constantly complimented Tippoo as a pillar of the Mussalman faith, and frequently said that all Mahomedans should be united.[1] The contemptuous term "*Heech*," or *nothing*, is adopted to denote the Nizam, one of our Allies; the word "*Pooch*," or *absurdity*, to designate the Peishwa, another Ally; while the English themselves are stigmatised by the treasonable epithet of "Taza Waridan", or the *new comers*, in a certain cypher and key, which cypher and key were found, not as my readers will be prepared to hear,—in Chepauk Palace, the residence of the Wallajah family, but among the Seringapatam records. But then, the Commissioners assure us, these alarming expressions are brought home to Wallajah and his son, because the key to this Persian cypher is in a handwriting which

(1) [Ed.] Mr. Edmonstone's report established, according to Sir John Malcolm, in his Abstract Narrative of Proceedings relative to the Settlement of the Carnatic, dated Calcutta, 14th August (1802 or 1803), among other conclusions, the following one :—

"That the Nabob (Wallajah) had both by communications from himself personally, and through Omdat-ul-Omrah to Gholam Aly Khan and Aly Reza, manifested his marked disapprobation of the triple alliance (the English, Nizam and Mahrattas) which had reduced the power of the Sultaun; and that he had on such occasions stigmatized the Nizam, as having acted contrary to the dictates of religion which required that all true believers should join in the support of that cause, of which he repeatedly stated, he considered Tippoo Sultaun the chief pillar.

The summary was prepared by Malcolm from official papers in order to give a connected narrative of the events leading up to the Carnatic settlement."

resembles exactly that of Omdut-ool-Oomra's favourite Moonshee, who had died long before these charges were thought of.[1] Such are the proofs of treason! Such is the treason when proved, "Heech, Pooch and Taza Waridan!" "Chops and Tomato sauce," and "don't forget the warming pan."

The historian Mill discusses the subject of this correspond ence at great length, and arrives at the following conclusion:— "Not only does this evidence afford no proof of a criminal correspondence with Tippoo on the part of the Nabob, but the total inability of the English to produce further evidence, with all the records of the Mysore Government in their hands, and all the living agents of it within their absolute power, is proof of

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(1) [Ed.] We read in Edmonstone's Report that the Nawab denominated the defensive war of 1790-2 as a war against religion.' In a solemn convocation of the Mussalmans in the service of Tipu Sultan, held at a mosque in Madras, by the latter's order, in August 1793, "for the declared purpose of binding them by a solemn obligation to support the interests of the Mahomedan faith," Ali Reza, one of the Mysore *vakils* is said to have remarked:—"It was very extraordinary that not-withstanding...the great plurality of Mussalmans, they should so depart from the obligations of the faith, as to take up their abode in such a place (Madras) and choose to render obedience to those of a different persuasion (the English)." This was deemed to be the preaching of rebellion in the very heart of the British dominion and to strengthen the presumption of the truth of the allegations against Wallajah and Omdat-ul-Omrah that Ali Reza should have ventured "to hold such language in the presence of the latter and that Omdat-ul-Omrah should have heard what passed on this occasion without communicating it to the British Government."

Ali Reza afterwards added prayers for the triumph of the Khudadud Sarkar (Tipu's Government).

Mr. Edmonstone adds that Wallajah and the Sultan perfectly understood each other; "the same attachment to the cause of religion and to Tippoo Sultan is expressed in a letter to Ghulam Ali Khan in the handwriting Omdat-ul-Omrah, although under the fictitious name of Ghoolam Hoossain, which appears in written characters upon the cover in the place of the seal and in which is a couplet of verses to the following effect:

"In the preservation of thy person is the permanence of the faith.

"Let him not remain who wisheth not thy preservation."

As Omdat-ul-Omrah was the principal channel of communication between Wallajah and Tipu Sultan, "these expressions must be considered as conveying the sentiments of both." Further, it is said to prove that "they confirm the prior negotiations, and being subsequent in date to the ceremony above described (at which the sons of Waulah Jah were present), it must be inferred that the Nabobs Walau Jah and Omdat-ul-Omrah understood the phrase of supporting the "cause of the faith" in the same sense that Tippoo Sultaun himself intended to convey by it. Of the authenticity of the note (No. 17) there cannot be a doubt as it is certainly written by the Nabob Omdat-ul-Omrah himself, whose handwriting cannot be mistaken, although signed (as well as superscribed) Gholaum Hoossain. The use of this fictitious signature is a further corroboration of the secret and clandestine intercourse which subsisted between Tippoo Sultaun and the Nabobs Walau Jah and Omdat-ul-Omrah"

the contrary, since it is not credible that criminal correspondence should have existed and not have left more traces of itself."[1] He adverts to the possibility of the documents being fabricated, which he rejects as extremely improbable, on account of the high character of the officers engaged in the enquiry; and he goes on to say:—"But an argument more conclusive than any argument from character, either national or individual, can almost ever be,—at any rate to strangers, and to those whose partiality one has no reason to expect,—is this, *that the papers prove nothing*; which most assuredly would not have been the case had they

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The same report proceeds to observe that Nawab Wallajah communicated (about December 1792) to Ghulam Ali Khan, news that he had obtained from his secret emissaries in Bengal, purporting that Tipu Sultan was suspected by the British Government of "maintaining a sinister negotiation with the Mahrattas" and recommending him "to suspend his views until a more favourable opportunity" *i.e.*, when Lord Cornwallis should have departed for Europe, as the Resident at Poona had written to the Governor-General that there was reason to believe that Tipu was endeavouring to form a close connection with the Poona Government and through that Government with the Nizam, and this had excited some suspicion in the Governor-General's mind. Wallajah is also condemned in the report for having communicated through the Mysore Vakils, in May 1793, intelligence of the intended march of the British troops against Pondicherry, and recommending Tipu to be cautious in his future intercourse with the French and to avoid epistolary communication with them. Further, the Nawab is said to have added: "I am actuated solely by my good wishes in making this communication. Since the day that a cordial union took place between us, let me be no longer a Mussalman and a servant of God, if I have not always offered up my prayers for the Sultan's good, and afterwards for my own. May the Almighty preserve firm and uninjured the Mahomedan Church and the safety of the Sultaun."

The former of these two communications discloses "sentiments inimical to the British interests, and favourable to Tippoo Sultaun in a point of view, opposed to those interests." The latter confirms the suspicion that Wallajah was "not ignorant of the views which we now know Tippoo Sultan entertained at that very time against the British power, and of the assistance which he hoped to derive, in the prosecution of them, from his connection with the French." Mill would regard these articles of intelligence conveyed by Wallajah to Tipu as exceedingly trifling and to have at any rate "the appearance of having been conveyed for a good, not for an evil purpose; for the preservation of that harmony between Tippu and the English, which at that time the English had very earnestly at heart." To ask Tipu to desist and suspend his negotiations with the Marathas, at least during the administration of Cornwallis and to advise him to withdraw his vakil from Pondicherry and intermit all correspondence with the French, having learnt that Pondicherry was about to be attacked, could offer no ground for an inference of guilt. "To call Tippoo a pillar of the faith, one of the most flattering of all compliments to his bigoted mind, was not criminal; nor, to speak with approbation of the union of Moslems which might be an exhortation to the Sultan to favour the Nawab, that is the English, who always represented their interests as the same with his." This view of Mill savours of a little of special pleading, as the report of Edmondstone seems exaggerated on the other side.

(1) History, edited by Wilson, 1848, Vol. VI. p. 322.

been fabricated for the purpose of proving."[1] So obviously do the Wakeels' letters fail to afford anything that can be called evidence, that even Mr. Horace Hayman Wilson, the last editor of Mill's History, who generally agrees to differ with his author on points affecting the justice of the Company's policy in India, is forced to admit, "that *upon the face of the correspondence little appears to convict the Nawabs of th[illegible] [illegible]natic* of actual treachery against the British Government."[2]

It was enough, however, for the Governor-General, and he ordered a Commission[3] to be assembled at Seringapatam to examine witness in the hope of strengthening this precious "documentary evidence." This hope was doomed to disappointment, but the plan was not to be re[illegible]nuished for want of evidence.

1. History, edited by Wilson, 1848, Vo. VI. p. [illegible]13.

2. History, edited by Wilso[illegible] p. 324.

(3) [Ed.] The Commis[illegible] [illegible]sisted of two of the most approved servants of the Company, Mr Webbe, S[illegible] to the Madras Government, and Colonel Close. They examined Ali Re[illegible] [illegible]ore and reported to the Madras Governor that they discovered in him an[illegible] disposition to develop the truth. The other vakil, Ghulam Ali, they acc[illegible] [illegible]base endeavours at concealment. Both affirmed that the expressions of good w[illegible] [illegible]wards Tipu, made use of, in their hearing, by Wallajah or his son, were never u[illegible]tood by them in any other sense than that of vague compliments. Ali R[illegible]a [illegible]owledged that these expressions were much exaggerated; and it was customar[illegible] the vakils to heighten the expressions of regard which fell from Lord Cornwall[illegible] [illegible]d Nawab Wallajah, for the purpose of gratifying Tipu Sultan. They reported sever[illegible] [illegible]xpressions of the Nawab complimenting the Sultan as a pillar of the faith and admi[illegible]ng the union of the Mussalmans; and also having advised the Sultan to suspend his negotiations with the Marathas, at least during the administration of Lord Cornwallis and to withdraw his *vakil* from Pondicherry and intermit all his correspondence with the French, having learnt of the existence of a French war with the English. The Commissioners inquired into the meaning of the phrase, "the affair you know of", which frequently occured in the letters of Tipu and his vakils and declared that it referred to the subject of a proposed marriage connection between the family of the Sultan and that of the Nawab.—"Papers concerning the Late Nabob of the Carnatic ordered to be printed 21st of June, 1802."

The Commissioners reported on the 18th of May, 1800; and Wellesley transmitted the whole of the documents to the Home Authorities and received the opinion thereon, both of the President of the Board of Con[illegible] and of the Secret Committee of the Court of Directors. On the 28th May, 1801, he issued his final orders on the subject, after getting from Mr. Webbe, personally, a knowledge of all the circumstances.

Sir John Malcolm considered that the letters found at Seringapatam contained 'conclusive evidence of a secret intercourse between the Nawab and Tippoo Sultan, directed to purposes hostile to the interests of the Company."—See *Narrative of Proceedings relative to the Settlement of the Carnatic* by Major Malcolm (Papers ordered by the House of Commons to be printed, April 1860.

'In the Commissioners' general review of the papers found at Seringapatam there is a considerable use of words of equivocal meaning. The Nawabs are accused of negotiating to establish "a reciprocity of views".—"a union of interests,"—"a secret intercourse,"—"a connection" with Tippoo Sultan; and similar va[...]ases are scattered about, until at last, after a series o[...] insinuations, it is assumed as proved that they tried [...]n, or agreed to form, "an alliance." Yet nothing definitely or even indirectly hostile is shown, even from the Wakeels' reports, and the inquisition held at Vellore and Seringapatam added nothing to the "documentary evidence." The principal witnesses examined by the Commission were the two Wakeels, who, [...]ourse, could best elucidate their own correspondence. P[...]ys the historian Mill, "the evidence of both taken toge[...]nds not to confirm one single suspicion, if any could have b[...]ly der[...]d from the papers, but to remove them, every one." The C[...] themselves say in their report:—"We examined [...]Meer Suddoor, the Dewan Poorneah, and the Moons[...] Oollah."—the very men above all others acquainted [...]e secrets of Tippoo's government,—"but as their testimo[...]not establish any fact, we thought it unnecessary to record [...]vidence."[1] Lord Wellesley himself, in a letter to Lord [...] the 28th May 1801, observes, "The tendency of tho[...]nations is of a nature, in some important parts of the evid[...] rather to weaken than to confirm the impression made on my mind by the written documents."[2] And in 1808, when all the papers found at Seringapatam, and the Report of the Commission, had been printed in obedience to Parliamentary calls,[3] and the case of undergoing and ordeal of a debate in the House of Commons, the leading lawyers in the House, among whom was Sir Samuel

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1. Mill's History, 1848, Vol. VI. p. 322.

2. Asiatic Annual Register, 1808, p. 502.

3. The whole including the depositions taken by the commission, will be found in Vol. IV of the Asiatic Annual Register, published in 1803.

Romilly, were unanimous in declaring that the proofs brought forward to convict Wallajah and his son of treacherous and hostile designs, were positively frivolous.

Mr. Edmonstone the Persian Translator, in his Report on the documents found at Seringapatam, generalises on their tone and spirit in the following terms :—

"It has already been remarked that the phrase of "supporting the case of the faith", (and which is so frequently mentioned by and on the part of the Nabob), implies a determined hostility against those of another persuasion."[1]

The Wolf's complaint against the Lamb is scarcely more groundless than this. These are mere conventional phrases, which between Mussalman Princes could not be omitted without positive incivility. The Nawab Wallajah's expressions[2] are no

1. Report of Mr. Edmonstone, Persian Translator, on the documents found at Seringapatam ; Wellesley's Despatches, vol. ii. p. 745.

(2) [Ed.] Nawab Wallajah is said to have told Tipu's vakils :—"I am what I am what I know myself to be. Tell the Sultaun *he* is the pillar of the faith ; and may God preserve him and grant him long life, since I and all Mussulmans derive support from him, for otherwise the state of affairs here is evident ; that which is evident does not require explanation." From this and similar quotations taken from the vakils' letters to their master, it became evident to Mr. Edmonstone that the Nawab formally proposed to Tipu, through the medium of his *vakils*, to form an alliance with that prince, avowedly for the purpose of supporting the interests of the Mahomedan religion, one of the first duties of which is to wage eternal war against those of a different persuasion.

The Nawab's negotiating an alliance of friendship with Tipu, without the participation of the British power, was a breach of the treaty of 1792, according to its 10th article. There was also every reason to believe that the vakils had secret instructions from Tipu to establish this connection with the Nawab. It was also stated that the vakils were charged with some concealed commission at Madras. Mention was made in Tipu's letters of "the affair you know of." Mr. Edmonstone who makes these allegations is constrained to admit however, that "what the nature of it was does not clearly appear." He says that Omdat-ul-Omrah was made acquainted with the affair and promised to exert himself to effect the object of it, (as it appears by a letter from the vakils to Tipu at a date subsequent to July 1793)—Report of Mr. Edmonstone on various documents found in the Palace of Seringapatam, implicating the conduct of the Nabobs of the carnatic, Walaujah and Omdat-ul-Omrah, dated Fort William, 6th April 1800. The Report claims to be a faithful summary of the spirit of several documents which are too voluminous for insertion.

more inflammatory than those used by the Marquis Wellesley himself, who, when forwarding a letter from the Sultan of Turkey to Tippoo, takes the opportunity of "exhorting" him "to manifest his zeal for the Mahomedan religion by renouncing all intercourse with" the French, "the common enemy of every Religion, and the aggressor of the Mahomedan church."

The Sultan in his letter written at the instance of the British Ambassador at Constantinople, to detach Tippoo from his French advisers, adjures him by "the general ties of religion;" observes that he is "justly famed for his zeal and attachment to the faith ;" calls upon him to assist "his brother Mussalmans, according to the obligations of religion" and to "place confidence in the Omnipotent source of all succour, and in the intercession of him who is the glory of prophets."

In the mouth of Wallajah such words are invitations to commence a holy war against all Christians!

Tippoo himself openly writes as follows to the Nawab Wallajah in a letter which was communicated by the latter to the Madras Government:—"My hope from the Almighty God, and my confidence in the Prophet, is that according to the command of God and of the Prophet, which is well known to all Mussalmans, all the faithful will exert themselves with heart and soul in maintaining and rendering permanent the religion of Mahomed. Upon your Highness, who is one of the heads of the faith, this is an absolute duty, and I am confident that your Highness will by all means constantly employ your time in performing what is obligatory on you."[1] According to Mr.

1. Wellesley's Despatches, Vol. ii. p. 743. [Ed.] Mr. Edmonstone states that the first indication of the Nawab Wallajah's disposition to connect himself with Tippoo Sultan, by the ties of political interest appears in a letter dated in June 1792, from the vakils in which the Nawab is represented "to have reprobated the preceding war as having been undertaken by the allied powers for the subversion of the Mahomedan religion"; and that he used "(pending the war) night and day to pray for the Sultaun's prosperity, because the confederacy of the three allies was for the subversion of the Mahomedan religion." He thus concludes that "it is obvious from these expressions, that from the very commencement of the war between the allies and Tippoo Sultaun, the Nawab Walaujah wished success to the arms of Tippu Sultaun against the power with which he was connected by the most solemn obligations of union [illegible]iance."

Edmonstone's rule this would be an open invitation to join in a holy war against all infidels. Yet it does not seem to have alarmed our Government at the time, or to have caused the slightest remark or enquiry.

On the whole, after a careful examination of all the evidence that has been allowed to see the light, I must deliberately state my opinion that the private exhibition of these apocryphal calumnies in 1801 was far more discreditable to Lord Wellesley than to the unfortunate Wallajah family, and that the attempt to revive them, and to make them do double duty in 1855, to the detriment of the rights of our ally, is even more discreditable to our Government, and must not be allowed to succeed.[1]

During the last autumn, the Nawab of the Carnatic very suddenly died. "As the treaty by which the musnud of the

(1) [Ed.] Thus there was the rejudgment on a case already judged and "one, where if there was scant justice on one side, there was little dignity or desert on the other."

The remarks of Lord Dalhousie are that (1) the treaty of 1802 was a personal treaty; and (2) the Nawabs had been immoral. Sir Edwin Arnold refutes the argument that the treaty was a personal one, on the ground that its fourth article vested *for ever* one-fifth of the Carnatic revenues for the support of the dignity of the Nawabship and on the words "in all times to come" found in the preamble of the treaty and in the second separate article (Dalhousie's *Administration of British India*—Vol. II. *pp.* 176–7).

Sir Charles Jackson—in his *A Vindication of the Marquis of Dalhousie's Indian Administration* (1865—says that "the framers of the treaty intended it to operate in perpetuity, so far as it was expressed, that is, so far as the rights of the Company were concerned, leaving it to be determined by future considerations and events, whether this shadowy royalty should be prolonged beyond the life of Azeem-ud-Dowlah"; and that the treaty confined the tenure of the Nawabship to the life of Azeem-ud-Dowlah and yet spoke in a vague way so as not to exclude the possibility of the existence of future Nawabs. (*pp.* 94–5)

The decision of Dalhousie has been severely criticised by Arnold and defended both as to law and policy, by Jackson. Both Dalhousie and Lord Harris (Governor of Madras) held that the treaty of 1801 was purely personal and, although in 1819 and in 1835, descendants of the Nawab occupied the throne, this was only at the pleasure of the Government. "The consideration of policy which, on these two occasions, had recommended such special sanction, no longer operated; and it was therefore decided to put an end to the title, privileges and immunities." The President of the Board of Control, in his letter dated 22nd December, 1855, agreed with Dalhousie's views—See W. Lee-Warner's *The Life of the Marquis of Dalhousie* Vol. II; p. 141.

Carnatic was conferred on his Highness's predecessor was exclusively a personal one; as the Nawab had left no male heir; and as both he and his family had disreputedly abused the dignity of their position, and the large share of public revenue which had been allotted to them; the Court of Directors has been advised to place the title of Nawab in abeyance, granting fitting pensions to the several members of the Carnatic family."[1] Such are the memorable words in which Lord Dalhousie, on the eve of his departure from India, recorded the proposed extinction of all the rights, privileges and possessions of the descendant, heir, and representative of our oldest, most serviceable, and most faithful ally. The passage is remarkable, as it contains examples of every fault of literary style and moral tone, for which Lord Dalhousie's political writings are so conspicuous. There are frequent instances of the use of vague or ambiguous slipslop phrases in Lord Dalhousie's Minutes. The application of the term "in abeyance", where it was obviously and certainly intended to signify that the title was extinguished, is an illustration in point. A second still worse instance occurs in this same passage, where the incorrect expression amounts to a false allegation, and is evidently used with the object of concealing the iniquity that had been perpetrated. This is the statement that the Nawab of the Carnatic died without leaving any "*male heir*", where all that could have been said with truth was that he died without any "*male issue*." The fact is that while Prince Azeem Jah is undoubtedly the heir of the late Nawab his nephew, by English, as well as by Mahomedan Law, there were besides Prince Azeem Jah's sons, numerous other descendants of the Nawab Wallajah, who could claim successively as the late Nawab's male heirs. But this audacious employment of the terms "*no male heirs*", "*no direct heirs*," and "*no natural heirs*," as if they were synonymous with "no male issue", is the great pivot upon

1. Lord Dalhousie's Minute, dated the 28th February 1856, Paragraph 48.

which Lord Dalhousie's machinery of annexation was made to work.[1]

The next point which calls for observation is a specimen of Lord Dalhousie's favourite device of heaping obloquy upon his victims, to withdraw public sympathy from them, and the reader's attention from the facts and law of the case, by introducing, either as an argument or as an illustration, irrelevant and often unfounded aspersions on the private morals and public character of the Prince whose heir and representative was marked for destruction. Thus, on no foundation whatever, except some gossiping rumours from the Resident's diary, Lord Dalhousie stigmatised the late Rajah of Nagpore as "having lived and died a seller of justice, a miser, a drunkard, and a debauchee."[2] Yet the poor Rajah was our good friend and

1. [Ed.] Muhammad Ghaus Khan the last titular Nawab, died in October, 1855, leaving no child. The heir-at-law, alike by Muhammadan and English codes, was his uncle Azim Jah, who applied for the succession. Government warned the Diwan of the dead Nawab not to recognise a successor. Azim Jah had acted as regent for his nephew from 1825 to 1842, and the Marquis of Tweeddale, Governor of Madras (1842-48), had observed in council that Azim Jah did "not enjoy the place to which he was entitled in consideration of the position he so lately occupied in communication with the British Government and of that he still holds in relation to his Highness the Nabob and to his succession to the *musnud*." Azim Jah also quoted a letter from the Court of Directors in which the latter seem to have recognised him as the next heir to his nephew. Dalhousie wrote that allusions might have been made that, if Muhammad Ghaus should have no children, his uncle, Azim Jah would be allowed to succeed him as Nawab; "But to indicate an *expectation* or even an *intention*, is not to recognise or even confer a right. The words, therefore, which have been quoted, conferred no right on Azeem Jah and conveyed no pledge or promise of succession to him; and although they indicated a favourable intention on the part of the Government towards him, the Government has since had but too much reason to forego all such intentions in favour of himself and the members of the family."

In 1867, the title of Prince of Arcot was conferred on Prince Azim Jah and his descendants. The *Amir Mahal* was built by Government as his residence in Royapettah. Muhammad Ghaus Khan is said "to have died of dancing-girls and ennui" and to have relieved the tedium of his life of a pensioned puppet "by dancing-girls and sham fights in his palace-prison, girt by the tumble-down native town (of Chepauk-Triplicane) where dwelt in famine and filth the crowd descended from or hanging about the old court." The Nizam of Hyderabad is said to have regarded Muhammad Ghaus with contemptuous pity.

2. Papers relating to the Rajah of Berar, p. 33.

humble ally for 35 years, he never required our assistance or interference, and he was much beloved by his subjects. In the same manner, Lord Dalhousie recommends the extinction of the Carnatic Principality, because, says he, "both the late Nawab and his family had disreputedly abused the dignity of their position, and the large share of public revenue which had been allotted to them."[1] Now, before making any further comment upon this, I must observe that whatever revenue was "allotted" to the Nawab, was "allotted," or rather reserved to him, by treaties which secured to us the exclusive use of the remaining revenue of his dominions.

But why should Lord Dalhousie have used these guarded phrases, this generalised disparagement? Why not go the whole length at once, and say plainly that the late Nawab was "a circumcised ruffian," or "an infidel sensualist," and that a Princely title and a large income were not for him or his compeers in these enlightened days?[1] Lord Harris, as I shall show, did say something very like this. Such language would have been quite equal in logical force and applicability to that employed by Lord Dalhousie, and far superior in honesty. For what connection was there between the Nawab's private character and his right, or the right of his heir, to the dignity and revenue guaranteed to them by treaties.[2]

(1) [Ed.] At that time death was in league with Dalhousie, "shaking kingdoms down from the pagoda-tree, so alluringly and incessantly did they fall to hand, ready ripe." There was, in the case of the Carnatic, no kingdom to acquire in reality; but "to abolish a title was a temptation, and the revenues of the phantom Nabobs were very desirable." Sir Edwin Arnold remarks further that "if the Nawabs were immoral and prodigal, and Azeem Jah especially so," and if immorality and prodigality should be fatal to royal and princely claims in India, "two-thirds, nay, seven-eighths of the *musnuds* and *gadis* within its limits might have been purged by the Marquis without depending upon the sterility of Ranees or the incapacity of Maharajahs."

2. Let us try to imagine the reception that a Radical member of Parliament or writer would meet with, who should propose to annul the hereditary charge upon the Post Office or the Excise Revenues, or to resume the Crown or Church lands, enjoyed by some noble family, on the ground of the immoral life of the actual or late possessor; and yet what comparison can there be between the validity of such tenures and of that which rests upon solemn treaties, treaties moreover upon which alone depends our right to occupy and govern the Carnatic?

We did not make any such stipulation as that the Nawabship should remain with the descendants of Wallajah so long only as the head of the family abstained from the seven deadly sins; or on condition of his avoiding the bad example of George, Prince of Wales, and Frederick, Duke of York;[1] or place any other restrictions over the vices or extravagance of our ally.[2] Such virtuous stipulations are not usual in treaties; but Lords Harris and Dalhousie, and the Honourable Court of Directors seem to think they might be taken for granted, though unexpressed. Lord Harris, indeed, went considerably further, and took the opportunity to object to all Native Princes, unless, as I understand him, they consent to become Christians. "I will not say that greater care could not have been bestowed

(1) [Ed.] George IV Regent and king (1820-30), about whom the most charitably-minded historian can only say this, in connection with the institution of divorce proceedings against his Queen, Caroline:—"The subjects of the land were in some doubt as to the Queen's character; but in none at all about the Kings's" (G. M. Trevelyan's *A History of England, p. 623*)—Frederick, Duke of York was the second and favourite son of George III and not much better.

(2) [Ed.] John Bruce Norton, Advocate-General of Madras, writing in 1857, thus challenges this statement:—

The third ground (that the Nawab and his family had disreputably abused their dignity and their revenue) is also false in point of fact. I have lived fifteen years in Madras; I was present at the installation of the late Nabob, and have been here ever since; he has lived, like many other eastern princes, a life of sensuality and extravagance. But so far as the European population are concerned, I do not believe he was ever heard of; and I have no hesitation in asserting, that, foolish and improvident as the young man was, his conduct has never been of a quality approximating to what would justify such a punishment as this inflicted on him and his heirs. Indeed, we might just as reasonably have refused to allow the heirs of George IV to succeed him on account of his irregular habits and his extravagance. And if titles can be taken away, revenues confiscated, and contracts treated as so much waste-paper, on account of a disreputable abuse of dignity or a state of indebtedness, I know not what Lord Steyne in private life would be safe; whether vice or mere abstraction of knockers by night, is to deprive a peer of his peerage and his estates, or how far a man may exceed his income before he and his heirs may be liable to such a penalty."

Norton further adds that the Company was responsible for all the excesses of the late Nawab's life, as it was its duty to have attended to his education morally and intellectually. "He was neither of bad parts, nor of bad disposition; and had he been only moderately educated, his presence at Madras might have entitled great benefits upon the people, especially the Mussalman population." (*The Rebellion in India*—p. 104.

on his training, or that greater success might not have been obtained by some other method of education than those which were tried; but I do assert it as my belief, that nothing that any Government can do will be sufficient to counterbalance the evil effects which will be derived by a native Prince, either Hindoo or Mahomedan, from the circumstances of family, of creed, and of position, in which he must be placed."[1] We might be very grateful to Lord Harris for a demonstration of the incurably evil effects of the Hindoo and Mahomedan creeds, if he would only give it to the world at a proper time and in a proper manner; but I cannot see that an *obiter dictum* on the inevitably bad morals of Hindoo and Mahomedan Princes, which involves a wish that all such Princes could be extinguished, ought to have found a place in a Minute by the Governor of Madras,[2] or ought to have had any weight in deciding the question of the rights of inheritance, and the sacredness of treaties. Yet it evidently did have weight, for the Court of Directors in their despatch of the 15th March 1856, say, "the

1. Papers relating to the Nawab of the Carnatic, p. 14.

(2) [Ed.] This savours more of the uniformly bad opinions expressed by Mr. J. C. Marshman whose uninterrupted connection with *The Friend of India* was characterised by "incessant threats and slanders against Native States." *The Friend of India* had its views occasionally repeated by its editor, as the correspondent of The Times (London), and was popularly reputed to be a sort of organ of the Indian Foreign Office; and this should afford as a peep into the proclivities of the Government. Both Lord William Bentinck and Lord Dalhousie strove, against determined opposition, to "advance on Christian lines by legislation and administrative action, the moral and social condition of India." Contemporary leaders of the British Indian Government were all of them, with some exceptions intensely evangelical. Charles Grant sent the despatch of February, 1833, in his capacity as the President of the Board of Control, by which "active patranage of idolatry" by Government was removed. Sir Henry Lawrence, Sir George Craufurd who first asserted religious liberty for the sepoys, Sir James Outram who was so much influenced by Dr. Duff, Sir Donald M'Leod, one of the most successful of the Punjab school of administrators whom Dalhousie and the Lawrence Brothers developed and trained, Sir Herbert Edwardes, described by Ruskin as "a modern military bishop;" and the non-official, J. C. Marshman—all these were intensely Christian and missionary in their spirit and outlook and did not rate Hindu institutions, social, political and religious, at their true value. See George Smith's *Twelve Indian Statesmen*; Baptist Noel's *England and India*; Sir Herbert Edwardes' *Life and Letters*; Vol. II; J. C. Marshman's *Life of Havelock*; and Edwardes and Merivale's *Life of Henry Lawrence*.

effect has (as was truly observed by Lord Harris) been 'morally most pernicious;' and Lord Dalhousie, as we have seen, reproduces the same virtuous sentiments in his self-glorifying parting address.

It is wonderful how the moral indignation of Lord Dalhousie rises when it affords an excuse for repudiating an inconvenient treaty. But in point of fact these moral professions and virtuous objurgations,—extended as they are by Lord Harris to include the inhabitants of the Mussalman quarter of Madras, Triplicane. "an idle and dissipated population in the chief city if the presidency,"[1] —are as unjust and libellous as they are insincere, impertinent, and irrelevant to the question. The idea of a population of 100,000 people, twenty times more than can have ever been directly or indirectly dependant on the Nawab's revenues, being in general "idle and dissipated," is preposterously absurd, and contradicted by all experience of human nature, and of the nature of the Indian Mahomedans in particular. But I have instituted a careful inquiry on this subject, and I entertain no doubt of the fact, that the Mussalman inhabitants of Triplicane constitute as sober orderly and industrious a population as can be found in any part of India. That the late Nawab, notwithstanding some redeeming features in his character, was dissipated in his habits and reckless in his expenditure, cannot, I belive, be denied. But his father and grand-father were most excellent Princes; and there are many members of the family and many other Mahomedan gentlemen at Madras, who are remarkable for their learning, charity, and for their enlightened attention to that limited portion of public affairs in which the present system of administration permits native gentlemen at the Presidency towns to participate.

What the better class of Mohamedans at Madras, the inhabitants of Triplicane, and the Mussalman population of

1. Papers relating to the Nawab of the Carnatic, p. 14.

Southern India may become in the future, what change a few years may make in their political and religious feelings and hopes, I do not pretend to prophesy. It will depend very much on the general circumstances of the country, on our external relations, and even on events in Europe or Western Asia. During a period of commercial success and prosperity, and political tranquillity, there would probably be a very small tendency towards religious fanaticism or seditious movements. But of this I am certain, that the great barrier against Mussalman fanaticism in Southern India has been broken down, the most effectual restraint removed, and a cause of offence and hatred instituted, by the disinheritance of Prince Azeem Jah, the bitterness of which will rather be aggravated than diminished by the lapse of years.

Not only is there great dishonour and disadvantage to Government in being reproached by all classes with the injustice and ingratitude of ruining the family of the Nawab, but the Mohamedans in particular,—erroneously, I admit, but with feelings neither unnatural nor unreasonable,—attribute the repudiation and degradation of their Imaum, their spiritual cheif, the patron and guardian of their religious rites, to deliberate persecution. There is no priesthood, properly so called, in the Mohamedan religious system. Mussuman devotions require no officiating minister; no class is set apart and consecrated to perform sacrifice or other public ceremonies, or to pronounce authoritatively on doubtful or disputed points of dogma or morals. On these occasions the leading part is taken by the Sovereign, if he is a Moslem, or by the person of the highest rank and authority present. Islam is, in short, the perfection of Erastianism[1] The Prince is everywhere the Imaum,[2]

(1) [Ed.] From Erastus, a Heidelberg physician of the 16th century, who preached the doctrine of the subordination of the ecclesiastical to the secular power. Erastus maintained that when the Prince was a Christian, there was no need for a corrective jurisdiction, which was not that of the state, but that of the church.

(2) [Ed.] Lit: one who goes before; one whose leadership or example is to be followed.

or the spiritual chief. There are it is true, schools of divinity; there are teachers of religion—who are not, however, priests, but doctors of the law, the Mussulman criminal, civil, and canon law being all founded upon the Koran—and there are monastic orders,[1] mostly of the mendicant and itinerant class, whose members are venerated as holy men without having any priestly functions. But neither doctors or ascetics have any mode of asserting authority, nor can give any weight to their sentences and their lessons, except so far as they are supported by the Imaum or spiritual leader. There may, sometimes, be differences of opinion between the schoolmen and the ruler;[2] the Sheikh-ool-Islam at Constantinople has often been in opposition to the Sultan, but has invariably been compelled to succumb to the head of the church, or has been removed. If he were at any time to persist, and were backed by a considerable party, it would be at once a rebellion and a schism.

It was, therefore, an inestimable advantage to our Government to have a person of the highest rank, allied and associated with us by ancient ties, traditionally and habitually obedient and dependent, placed at the head of the Mahomedan community of Southern India, as their Imaum or religious leader. I am distinctly of opinion that if there had been no Nawab of the Carnatic, we ought to have invented one. A Prince so situated, residing at one of the great centres of our power, with so much to lose, and so little to expect from any disturbance, could not be anything but conservative in politics and moderate in religion; and in a time of religious revival or

(1) [Ed.] There are regular *darwish* fraternities which influence all classes, like the Chishti order and the Suhrawardi order. Besides these regular (*bashar*) orders whose followers observe the customary Islamic practices, there are the *beshar* orders (those without the law) to whom the ordinary type of *faqir* belongs. (Murray Titus—*Indian Islam*; Ch. III).

(2) [Ed.] The ruler usually relied on the Ulama (body of divines) for legal interpretation and advice in affairs of state; but on occasions he acted on his own judgment (Elliot and Dowson's *History of India as told by its own Historians*—Vol. III, *p.* 365; Vol. IV; *p.* 408; and Vol. VI *pp.* 513–14).

excitement he could be held responsible for the manner in which he made use of his influence. Now, by a flagrant breach of faith, we have deposed the recognised hereditary Imaum, our friend and ally, and have handed over the Mahomedans of the Madras Presidency, guideless and uncontrolled, to the first mad fakeer or Moulavee who can contrive, perhaps at some difficult crisis, to set himself up as a spiritual leader.

In the Administration Report of this Presidency for 1861-62 (681, p. 125), Prince Azeem Jah's claim to the musnud of the Carnatic, is said to have been "finally rejected."[1] But the Prince has not, it is understood, abandoned his claim; nor is it to be believed by any one who has patiently examined the published papers, that he or his sons, or the lineal male representative of the Wallajah family, to the latest posterity, will ever consent to abandon or compromise those rights which are secured to them by four solemn treaties, ratified by the autograph letters of four British Sovereigns. I cannot look upon this decision as final, nor can I advise the Prince or his adherents to accept it as final, for it was originally founded on arguments manifestly unfair, and statements of facts positively false; nothing has since been added to the arguments and statements brought forward by Lords Harris and Dalhousie in 1856; and even Sir Charles Wood, while declining "to disturb" the decision of the Court of Directors,[2] carefully abstains from upholding it on its merits. That decision has neither foundation

(1) [Ed.] As noticed above, the title of Prince of Arcot was conferred on Prince Azim Jah and his descendants in 1867. Letters Patent dated 2nd August 1870, issued under the Queen's Sign-Manual, created Azim Jah, Ameer-i-Arcot or Prince of Arcot with succession to his four sons and one grandson, who is to be selected by Her Majesty, the Queen. The Prince and his successors in title were exempted from the jurisdiction of the civil courts. The titles and honours and the perpetual portion of the pension assigned to the family should descend only to a representative in the direct male line of Azim Jah; but the succession was in the first instance to be to the four sons of Azim Jah in such order as he might nominate. (See Aitchison's *A Collection of Treaties, Engagements and Sanads, etc.* Vol. X; Madras and Ceylon—(1909)—pp. 64-66).

2. In a Despatch to the Government of Fort St. George dated 8th April 1862.

nor support, and it must fall, whether Sir Charles Wood disturbs it or not. It has produced in the Carnatic, as I have endeavoured to show in the preceding letter, a political position of unexampled depravity, under which the British Government is left with no legal title to the occupation of the country, and no moral claim to the obedience of the inhabitants.[1] Our administration is at present based neither upon compact nor upon conquest, but simply upon a breach of trust, which offers a cruel provocation to our best friends, and a most plausible pretext to our enemies, both internal and external.

The present Nizam's father in 1853, when called upon to cede territory for the pay of the Hyderabad Contingent, made the following observation to the Resident, General Low:—"'I am a Sovereign Prince, born to live and die in this kingdom, which has belonged to my family for seven generations; if I were to give a portion of my kingdom to your Government in perpetuity, it is totally impossible that I could be happy; I should feel that I was disgraced. I have heard that one gentleman of your tribe considered that I ought to be quite contented and happy if I were put upon the same footing as Mahomed Ghous Khan, (meaning the present Nawab of Arcot,) to have a pension paid to me like an old servant, and have nothing to do but to eat, and sleep, and say my prayer."[2]

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1. [Ed.] Lord Dalhousie naively stated that "the political power is in the hands of the British Government, and in them solely it must be retained; and it is injudicious to leave to any one needlessly the opportunity of asserting any co-ordinate authority." "With respect to the Arcot family, the British Government must be prepared to settle the question of their position at this conjuncture for a long period; for though the Prince Azeem Jah has no legitimate sons (a mistake), yet he has brothers who have; and if the royal titles and privileges are now continued, they are likely to be permanent for some generations. I need not repeat my opinion that this opportunity should be and can be taken for abrogating those titles and privileges." More brutally frank opinions, overwhelming legal rights and treaty sanctions are very rare.

(2) [Ed.] The Nizam is said to have remarked to Colonel Low, the Resident, in the course of the negotiations:—"Two acts on the part of a sovereign prince are always reckoned disgraceful; one is to give away unnecessarily any portion of his hereditary territories, and the other is to disband troops which have been brave and

Here his Highness made use of an exclamation in Arabic, which expresses both surprise and anger, and with a manner and a tone of voice which seemed to me to indicate anger in no ordinary degree."[1] Since that interview took place, even the "pension paid to him like an old servant" has been denied to Mahomed Ghous Khan's heir.[2] And the Government of Hyderabad has not ceased to watch with interest our treatment of their former dependent, the Nawab of the Carnatic. It is generally understood at Madras, the report having come from very good authority, that, in August 1857, the Resident at Hyderabad informed the Government of Fort St. George that the Nizam had reminstrated in open Durbar on the disinheritance of Prince Azeem Jah, and observed in a sarcastic manner that they might next think of treating him or his heir, in the same manner. We do not seem, then, to have much strenghened our political position, or added to our political dignity, in Southern India, by destroying so influential a friend as the Nawab of the Carnatic.

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faithful in his service." Further in the course of his observations, the Nizam expostulated :—"You never told me that such a treaty as this was to be proposed to me ; you never told me that you were to ask me to give up a large portion of my dominions in perpetuity....Did I ever make war against the English Government, or intrigue against it ? or do anything but co-operate with it and be obedient to its wishes that I should be so disgraced ?"......"You, too, do not comprehend the nature of my feelings as a sovereign prince ; for instance, you talked of my saving eight lakhs of rupees per annum, by making this treaty as something that I ought to like ! Now I tell you that if it were quite certain that I could save four times eight lakhs of rupees, I should not be satisfied, because I should lose my honour by parting with my territory."

1. Blue Book, *The Nizam* ; 1854 ; p. 120.

2. The poignancy of insult and degradation must indeed have been bitter to the members of the Carnatic family. The family "degenerated from power to powerlessness and idle vice and then thrust down lower still to comparative poverty." It is a story of "injustice *in corpori vili* which to the thoughtful mind is not less sad, perhaps than any other and bolder form of injustice. But again, as in the case of Nagpore, the act of Lord Dalhousie, illuminated by the red flames of the mutiny, has been reconsidered and repeated to some extent, and the Nabobs of the Carnatic enjoy...their pensions once more"—Sir Edwin Arnold in 1865.

The Company proposed to pension the various members of the Carnatic family, who however distrusted this promise of pensions, which became reduced at each death and, in the 4th or 5th generation, became attenuated to the diminishing point. A large number of them represented through their London agent their grievances.

That measure appears to have been—as Talleyrand said of Napoleon's invasion of Spain—worse than a crime: it was an enormous blunder. Will the Queen's Government have the moral courage to redress it?

Lord Dalhousie in his Minute of review dated 28th February 1856, thus mentions the result of his deliberations on the vacant musnud of the Carnatic:—"The Court of Directors has been advised *to place the title of Nawab in abeyance.*" This is a word for which we may well feel grateful to Lord Dalhousie; this is a word, not of equivocal meaning, but the meaning of which, whether Lord Dalhousie understood it or not, is eminently favourable to the cause of truth and justice, and points to the only mode by which the British Government can be extricated from an untenable and disreputable position. The title is in *abeyance*—

"We thank thee, Jew, for teaching us that word!"

A title that is in abeyance is not extinct.

The title is "in abeyance" according to Lord Dalhousie, and I accept the phrase as of good omen, and as an accurate description of the state of affairs. Neither the feeble evasions, nor the bold assertions of Lords Dalhousie and Harris; not the confident orders of the Court of Directors, nor the otiose approval of the Board of Control, can annihilate or weaken the rights of sovereignty belonging to the representative of the Nawab Wallajah, and secured to him by existing treaties.[1] Those rights remain undiminished; and as the British Government has never acquired, or assumed, or even claimed the sovereignty, those rights, although ignored and disregarded, are actually intact to this day. But as a matter of fact the title is in abeyance; and, after so long an interval, the abeyance can be terminated with a

(1) [Ed.] Particularly that of 1801, vesting $\frac{4}{5}$ of the revenues of the Carnatic *for ever* in the Company and appropriating the remaining $\frac{1}{5}$ *for ever* for the support of the dignity of the Nawabship. The second article of the treaty states that "it is the intention of the contracting parties that the said sum of 213,421 pagodas and the said sum of 621,105 pagodas shall be considered to be *permanent* deductions, *in all times to come*, from the revenues of the Carnatic.

good grace, with honour, and beneficial effect, by no sanction less solemn, by no less august authority, than that of the Queen herself.[1]

Let us be Radicals, or Republicans if we will, in Europe or in America; but in India every sane politician, English or native, must be a Conservative and a Royalist. Confidence and security cannot be felt, peace and prosperity cannot long continue, in the present stage of Indian civilization, under any other rule than that of a Monarch, and of a Monarch whose personal influence is felt, and whose power is known to be a reality. It matters not much what the natives say of the Company, or of Lord Dalhousie, of Lord Harris, but the Queen's name must not be despised; the stigma of bad faith must not be cast upon our Royal Mistress by a positive refusal of justice given in her name to a Prince who claims the fulfilment of treaty engagements, and of promises made to his ancestor and to his father by Her Majesty's royal grandfather. The title of Nawab of the Carnatic is in abeyance, but the abeyance may be terminated, and I trust it will be terminated, when a Prince of our Royal House arrives from England, and having received the homage of Prince Azeem Jah on behalf of his Royal Mother,[2] restores him to the musnud of his ancestors in her name, and by her command.

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2. [Ed.] About the date of the penning of Mr. Bell's letter, the Mysore case for rendition of the assumed administration had become a test question in the eyes of the Indian Princes who looked eagerly to the decision of the Home Government on it. The Maharaja of Mysore sent a letter to Lord Elgin in April, 1862; and even the adverse despatch of Sir Charles Wood, Secretary of State, had only the qualified approval of his Council; Sir Henry Montgomery, Sir George Clerk, Sir Frederick Currie, Sir John Willoughby and Captain Eastwick differed from the Secretary of State; and even in the Cabinet there was an influential minority against the despatch. In 1866 a deputation headed by Sir Henry Rawlinson and including Sir M. E. Grant-Duff, Major Evans Bell and Mr. John Dickinson was presented to the Commons by John Stuart Mill, urging a reconsideration of the whole Mysore case. The British Press was also strongly interested in the question, headed by the illustrious John Morley, then the Editor of the *Fortnightly Review*. Major Bell was, as ever, a born fighter and a steady supporter of all Indian States. The atmosphere was thus clearing up, and leading to the settlement of 1867.

1. [Ed.] In April 1867, the Derby Government sent out a despatch (through Sir Stafford Northcote) promising the rendition of Mysore, on the attainment of age by the Maharaja's adopted son. Then the title of G. C. S. I. was conferred on the Maharaja, and the times were very propitious. There was the rumour of a son of the Queen visiting India.

LETTER V

THE RIGHT OF ADOPTION

Madras, *June*, 1861.

Some political falsities, some gross social impostures, have proved themselves to be wonderfully tenacious of life. Fallacies refuted in the metropolis and the mother country, survive in the counties and the colonies; abandoned in the colonies or in India, they are unsuspectingly cherished at home; driven from one stronghold they find a refuge in another; destroyed in their original shape they rise in some new form to push us from our stools. It will not do to scotch the snake, it must be killed and buried. The last drop of poison, and the stink of the dead carcase are both to be avoided.

This is more especially the case with fallacies relating to Indian law and politics. So unfamiliar, uninteresting and distasteful is the subject in general to English ears, so liable are we to prejudice and distort Indian cases by referring them to European precedents and analogies, that some of the most flagrant violations of the first principles of Hindu and of international law, some of the most direct and audacious breaches of the letter of solemn treaties, were perpetrated under Lord Dalhousie's administration without exciting a doubt or a misgiving in the minds of the Queen's Government, as represented by the Board of Control,—though a few of the Directors took the alarm; —and but for the rebellion, which threw a lurid light into many dark chambers, these iniquities would have been firmly established, without the possibility of reversal or modification, as the axioms and first principles of British policy in India.

Of course I allude to the various pleas under which principalities have been annexed, titles extinguished, and landed estates resumed and confiscated and especially to the pretended right of sanctioning or forbidding adoptions, which our Government has arrogated to itself, and which it has exercised to the ruin and destruction of several Hindoo Royal and noble families to whom we owed friendship and protection, and who owed us nothing,

These unjust and groundless innovations and encroachments on the rights of our faithful and submissive allies and tributaries, these wanton spoliations of real and personal property, were not allowed to take place at the time without in almost every instance an ample and sufficient protest and refutation from the aggrieved families, from a minority of the Court of Directors, and from the elite of the Indian Press. But all remonstrances in those days, even though amounting to demonstrations of injustice, fell upon ears that were deaf to all considerations but those of an immediate material display and semblance of gain and advantage; Lord Dalhousie's word was law and gospel in India and in England; and in the insolent and immoral cant of the day, the rights of Princes, represented by certain musty old parchments called treaties, were allowed to weigh as nothing against the "real good" of their contented subjects, "whose best interests, we sincerely believe," says Lord Dalhousie, "will be promoted by the uniform application of our system of Government."[1] In those days the native Princes and nations never seem to have been credited with having any lawful policy or opinions or feelings of their own; no one seems to have supposed that they possessed any rights, even under treaties, except such as might from time to time be granted or acquiesced in, restricted or withdrawn, by the British Government; no one ever seems to have

1. Minute on the Sattara Succession, 30th August 1848, Sattara Papers, 1849, p. 83.

contemplated the possibility of a native Prince or chieftain being thrown entirely upon his own resources in a time of great danger and difficulty, and having to think and act for himself, without the support of British troops, without the counsel or control of a British Resident. Still less was it contemplated that tremendous issues, perhaps the very existence of our Empire, should come to hang upon the decision of such a small potentate as the Rajah of Puttialà,[1] —to whom we owe the fidelity of the Sikh troops and the quiet of the Punjaub,—or of the Nagpore Ranees, and the young Prince their adopted son, to whom we are indebted for the preservation of the Nizam's country and the Mahratta Provinces from a general rebellion, and of the Madras army from the irresistible contagion and overpowering temptations that would have assailed the brigades of Madras sepoys at Nagpore and Hyderabad, if the signal of revolt had been given.

In those days the doctrine had been universally accepted at Calcutta that the native Princes were powerless for any good purpose, useless as allies, impotent as enemies, and yet capable of being very troublesome both in peace and war, and that our only true policy was, in Lord Dalhousie's own words, that of "getting rid of those petty intervening principalities, which may be made a means of annoyance, but which can never be a source of strength."[2]

1. [Ed.] Lord Canning wired to John Lawrence to apply in his name to the Maharajas of Patiala and Jind for troops. Maharaja Narendar Singh of Patiala at once marched to Thanesar, commanding Ambala where he stationed 1,300 men with four guns; and he disposed his troops along a hundred miles of the great trunk road above Delhi, holding back the insurgents, guarding communications to the south from the Punjab, conveying British arms and stores and despatching elephants and camels to General Anson for transport. In all, he put 5,000 men in the field, some of whom fought at Delhi; and later, he led others in expeditions to several places of revolt (A. P. Nicholson's *Scraps of Paper pp.* 193—4.)

The Commissioner's despatch said as to Patiala's support:—"His support at such a crisis was worth a brigade of English troops to us and served more to tranquillize the people than a hundred official disclaimers." The Maharaja was given the title of *Farzand Khas* (Choicest Son of the British Government) and *Mansur Zaman* (Conqueror of the World) and given a salute of 17 guns and allotted the rank next to Kashmir.

2. The same minute.

The time of trial for this policy was not delayed for many years after the annexation of Sattara, Jhansi, Nagpore and Oude; and the course of events during the storm of 1857–58 effectually contradicted and falsified all Lord Dalhousie's anticipations. The Rajahs of Jheend, Puttiala, and Nabha,[1] and the Nawab of Rampore,[2] are not powerful monarchs,—they are but petty dependent Princes,—yet during the perilous crisis of 1857 the value of their material aid in men and money was only exceeded by the moral effect of their firm and loyal adherence. And most certainly the "consolidation of our territory" by the iniquitous extinction of the small, well governed and ever faithful State of Jhansi, and the consequent conversion of its Brahmin Ranee into a murderess and a rebel-leader, did not prove to be "a source of strength." Nor were the remaining "petty intervening Principalities" found to be "a means of annoyance."

The natural result of this conspicuous refutation, and practical reversal of all Lord Dalhousie's policy, has been a salutary reaction in favour of the native Princes. Cessions in full sovereignty, not only of confiscated estates but of British territory, which two years before would have been looked on as an impossible contingency, have been made to several native Princes as rewards for their inestimable aid. Two successive Secretaries of

(1) [Ed.] The ruler of Jind marched 800 men to Karnal and Panipat, helped to hold the northern road and collect supplies and fought in person before Delhi, where his presence was "a symbol to the Sikhs." The Ruler of Nabha advanced to Ludhiana with his men, escorted a siege-train and enlisted new troops. The Maharaja of Kapurthala helped to quell the trouble at Jallandhar and supplied a contingent to replace the mutineers. He afterwards marched into Oudh at the head of his troops to fight on the British side. These Phulkian Sikh chiefs lent the Government a large amount of money in the crisis. Had they been hostile or even lukewarm, the British forces in the north would have been hemmed in. The Ruler of Jind was given the title of "the Most Cherished Son of the True Faith" and a salute of 11 guns. The Ruler of Kapurthala was given a fief in Oudh; a salute of 11 guns and an honourable title. The Raja of Nabha was given the title of "Noble Son of Good Faith" and a salute of 9 guns.

(2) [Ed.] The Nawab of Rampur showed a consistent loyalty and from the first exerted himself to maintain the authority of the British (Kaye and Malleson's *History of the Indian Mutiny* (Cabinet edition)—Vol. IV; p. 364).

State, Lord Stanley and Sir Charles Wood, have evinced the most liberal intentions towards our native allies and tributaries; both of them insisted on the restoration of Dhar,[1] contrary to the advice of the "experienced political officer," who had unfortunately been allowed by Lord Canning to lead him astray on this point; and both of them, in reviewing some of the worst

(1) [Ed.] The state of Dhar ruled by a family of Pouwar Marathas, was greatly reduced by Pindari raids. In 1819 it was augmented by the addition of the districts of Berasia and Badnawar, by a treaty with the British Government. When the ruler, Ram Chandra Rao, died in 1833, he was succeeded by Jaswant Rao II, adopted from another branch of the house. He died of cholera early in 1857, and was succeeded by his adopted son, Anand Rao III, a boy of only 13 years of age. His ministers were suspected of complicity in the Mutiny; and the state was confiscated, but was ultimately restored in 1860, with the exception of the Berasia *pargana* which had been given to Bhopal. Major Durand who invested and captured the fort of Dhar, demolished it, ordered the state to be confiscated and arranged charges to be prepared against the leaders and instigators of the rebellion. Ultimately they all escaped punishment; and the Raja himself was restored to his title and position. (Kaye and Malleson's *Indian Mutiny*; Vol. V; p. 50 and Life of *Sir Henry Durand* by H. M. Durand; Vol. I; pp. 224 and 472)—

The experienced political officer referred to was H. M. Durand. He threw the blame for the Dhar rising on the acts of the Raja's uncle and mother and minister who allowed a party of their mercenaries to join those of the Raja of Amjhera and plunder the stations of Bhowapur and Sirdarpur. Captain Hutchinson, the Political Agent, reported that there was strong reason to believe that the Raja's mother and uncle and other members of the Durbar were the instigators of the rebellion. After Durand's occupation of Dhar, the Dewan, the Raja's uncle and others were carried prisoners to Mhow for trial. There was actually no trial conducted, beyond a summary and unofficial inquiry; and Sir Robert Hamilton who resumed office as the Agent to the Governor-General and his son-in-law Captain Hutchinson, who prepared the charges, are blamed by Durand for negligence and for letting off these prisoners "without the knowledge of the Supreme Government and in spite of the orders issued for their trial of which Government had approved." We read that the successor of Sir Robert Hamilton, Sir Richmond Shakespear, brought to light this disobedience of orders; but then the record of the summary inquiry made in 1858, had been lost. We further read from Durand's *Life* that Sir John Kaye quotes the Dhar case as "an exponent of Sir Henry Durand's mischievous views upon the responsibility of Native Princes"; and that Lord Canning made a full inquiry into the facts of the case during his tour in the Upper Provinces which clearly established the complicity of the Dhar Durbar in the rebellion, and "the Home Government entirely concurred in the justice of the confiscation," but from merciful consideration of the youth and innocence of the Raja, decided to forego the extreme penalty; but it was of the opinion that it was "not right, nor expedient that the principality of Dhar should wholly escape all penalties for the misconduct of those who directed its counsels and forces during the late events"; and it consequently gave over a pargana to the Bhopal State.

It should be noted here that Sir John Kaye pictured Durand as not having been sympathetic to Holkar and other princes of Central India. A controversy was carried on in *The Calcutta Review* and an article defending his action, from the pen of his son H. M. Durand and another by General Travers to the same effect, were published in pamphlet form in England. As Sir John Kaye died soon afterwards, Mr. John Dickinson took up the controversy in a work entitled "The Last Counsels of an Unknown Counsellor" which contained a violent attack on the justification of Sir Henry Durand's actions. This was posthumously edited for Mr. Dickinson, who died before it could be published, by Major Evans Bell.

political cases, took some imperfect steps towards restitution and compensation, the full effects of which are yet to be seen. And in every instance, even in that of the Mysore grant, which was bitterly opposed in India, and, being made on behalf of the descendants of a formidable enemy, was least calculated to excite sympathy, the Home Government has met with the heartiest support from English public opinion. But undoubtedly the strongest evidence of the reaction is recorded in Lord Canning's Despatches of the 26th April and 10th of May, and in Sir Charles Wood's reply of the 26th of July 1860, which have given to "every chief above the rank of Jaghiredar, assurance that the paramount power desires to see his government perpetuated, and that, on failure of natural heirs, his adoption of a successor, according to the Hindoo law (if he be a Hindoo) and to the customs of his race, will be recognised."

A confession of offences, or an avowal of repentance, would be out of place in the public despatches of Government; and I do not therefore complain that both Lord Canning and Sir Charles Wood talk as if they were performing a signal act of grace and generosity, instead of simply falling back from an odiously aggressive and acquisitive attitude, to rest once more on

The other side of the picture presented in the *Life of Sir H. M. Durand* is available in J. M. Ludlow's book, *Thoughts on the Policy of the Crown towards India*—in the letter "How some of our Allies have been lately treated"---Therein we read that a body of Pathan troops in the service of the Dhar durbar rose in mutiny against the Rani who implored assistance from the British, and in the end, the minister and others were arrested; and in February, 1858, the ruler was deposed and the administration was entrusted to the charge of one Meer Mohammad Shahamat Ali; and even the privy purse of the ruler was confiscated; and the state property of elephants etc. put to auction. "The lands assigned by Maratha custom to the Rani for charitable purposes......were placed under sequestration......and the young prince was not allowed to sit on a chair in public." Mr. Ludlow protests that a simple restitution of the state to the Raja was no justice at all; he writes:—"Why, if you doubled the Dhar territory, it would be barely compensation enough to the state—let alone the individuals, the minister for instance, who declares that before the out break of the troops their mutinous disposition was more than once communicated by him to the British authorities and their aid implored. If this be the way our friends are treated after such a crisis as that of 1857, Heaven preserve us from any other!"—See also Major B. D. Basu's *India under the British Crown*—pp. 24-26.

the ancient laws of India, and on the stipulations and obligations of treaties.[1] But I regret very much to see the subject treated from the same point of view in Parliament, and in some of the most influential journals and reviews, and to find the promised recognition of future adoptions in Hindoo princely families approved, more under a sense of the inexpediency of the opposite course, than from a conviction of its injustice and dishonesty. Until that conviction has gained full possession of the public mind, the question will not be placed on a solid and permanent basis, and there will still be room left for some future Dalhousie, in some future time of our wealth, strength, security and pride, to revive pretensions which, it might be said, have never been abandoned except by way of grace and favour.

This is a striking and painful instance of that tenacity of life for which, as I have pointed out, political falsehoods are so remarkable. Although all the sophisms, misrepresentations, misquotations and misstatements of Captain Cowper, Mr. Hart, Mr. R. D. Mangles, and other champions of the Inam Commission,[2] by which they endeavoured to uphold the fictitious

(1) [Ed.] Sir W. Lee-Warner says that the reasons adduced for escheating states for failure of heirs by Lord Dalhousie, were not expressly disowned by Lord Canning when, on the 6th September 1859, he regranted Gahrwal to its Hindu raja, and expressly recited the fact that "the Chief having died, leaving no legitimate issue, the above territory has lapsed to the Government." (p. 155 of *The Native States of India*). The new Raja received a *sanad* of adoption in March 1861, from which it may be inferred that the sanad of 1859 did not necessarily involve the right of adoption, inherent, as some have argued, in a Hindu." Lord Canning wrote on the 30th April 1860: "neither will the assurance (of adoption) diminish our right to visit a state with the highest penalties, even confiscation, in the event of disloyalty, or flagrant breach of engagement." Again the sanad of adoption confined the guarantee to the ruler of a state alone, so that a deposed sovereign or a ruler's widow could not claim the privilege.

(2) [Ed.] In Madras the Inam Commission was established in November 1858; and Mr. G. N. Taylor, the Commissioner, proceeded to Bombay to learn the details connected with the working of the Inam Commissioner of that Presidency and proposed certain modes of procedure as to the registration of inams. Sir Charles Trevelyan minuted in May 1859 on the principles enunciated in the matter by the Court of Directors; and his basis was that length of possession, once established, was to be a good title to inam.

In 1845 active measures were adopted to assert the reversionary right of government in case of inams which were diverted from their original purpose; and a pro-

"ruling sanction", the pretended power of Government to prevent landed property from passing to an adopted heir,—were unrelentingly exposed, mangled, and torn to rags in a long series of able and excellent articles in the Bombay Times;[1] although Mr. J. M. Ludlow and Mr. J. B. Norton[2] have in several of their

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hibition was issued against the devolution of inam property by adoption unless due notice was given to Government. It was further proposed to limit the continuance of charitable grants to the lives of existing holders. These and the investigations of the district officers produced a feeling of irritation and insecurity on the part of the holders of the inams, illustrated by the rising of one Narasimha Reddy in the Cuddapah District.

In Bombay, a Committee with Mr. Goldsmid as President was appointed in 1843 to investigate the alienations of the Southern Maratha country; and this developed in course of time into the Inam Commission, with powers of adjudicating on all inams in the Deccan, Khandesh and the Southern Maratha country. The Inam Commission was placed on a regular judicial footing by Act XI of 1852. It worked vigorously till 1857 and thereafter nominally till 1863 when it was replaced by the Summary Settlement Inquiry (Act II of 1863). It worked in two divisions; *viz.*, the Commission for the Southern Maratha country and Sholapur with Messrs. Goldsmid, Hart, Manson and Gordon as Commissioners; and the Commission for the Northern Division, Deccan and Khandesh with Captain Cowper, Major P. Dods and Captain Griffith as Commissioners. Captain Cowper was first appointed Commissioner in 1857; he ultimately became the head of both the branches, with a title of Commissioner of Alienations and held it till 1861; and it was largely due to his energy that the instructions of Government were successfully carried out (G. S. Sardesai's *Hand-book to the Records in the Alienation Office, Poona, 1933—pp. 4–5*).

The Bombay Inam Commission was so thorough in its work and was so very unpopular, that the *Poona Observer* published in 1857, an article from a writer urging the suspension of its work, lest it might greatly increase the disaffection, as those who had suffered by the operations of the Inam Commission would be the first to fan the flame of rebellion.

1. Since collected and republished as "the Inam Commission Unmasked," by Mr. Robert Knight, a gentleman to whom India owes much for this and for many other good services.

(2) [Ed.] Mr. Norton thus writes:—"We have not contented ourselves with sweeping in the territories of potentates; we have grasped the possessions of Polygars and Zemindars, whenever a plausible opportunity of applying the doctrine of 'escheat' has presented itself. Thus we have quite destroyed the Polygars in the South and nearly extinguished the Zemindars in the Northern Circars. Sometimes we succeed to a childless widow; sometimes we sell up a thriftless noble who has fallen into arrears; sometimes we take his estates into nursing, and our management is so splendid, that after a season they have to be brought to the hammer, and the Company purchases them in at a nominal upset price. Such was the lot of Luchmepully Naidoo the great Vasooreddy Zemindar. After 20 years of litigation to establish his title to his paternal estate, he was successful, only to find that in the interim the Company, who had taken his acres into their own keeping...had purchased his broad lands......at a nominal price of Rs. 500; the sale being ordered party on account of the accumulation of arrears into which the estate had fallen during the Company's incumbency, partly on account of arrears accrued through the mismanagement of the defendant to whom the Zemindary had been delivered by the Sudder, without any security, in spite of express regulation and the well-known practice of the court. The Company in their 'benevolence', as they call it, allow Luchmepully a small pension ...But we do not stop with the Zemindars. There is in every district a large class, who for good services or other causes, have received

publications shown with the perspicacity and logical force of practised lawyers, the exaggerated absurdity of this imaginary prerogative when applied to Princes with whom our relations are defined and circumscribed by treaty, yet I find the doctrine, to the fullest extent of disinheriting and confiscating power, accepted as an ancient principle of Indian Law by the *Times* in January last, even when approving of Lord Canning's policy; and in the last number of the *Quarterly Review*, when suggesting doubts of that policy.

The *Times*, reviewing in January (1861) Lord Canning's North West progress,[1] approves of the Governor-General's "qualified and exceptional recognition of the right of adoption" in the families of Scindia, the Rajahs of Cashmere, Rewah and other, as "a most judicious measure." The "privilege of adoption, in other words the right of nominating an heir in cases where actual issues failed", is said to be "dearly prized by Indian dignitaries," but that "for this the consent of the Supreme Government is necessary. Such consent in fact amounts to a fresh grant of the estate or dignity in question, and to a surrender of the reversionary interest belonging to the Sovereign." And in consequence of the bold assertions and bold doings from 1848 to 1857, I presume that this has become in England the popular and usually accepted view of adoption. Yet it is totally untrue. No "reversionary interest" ever belonged to the Sovereign: and

grants of rent-free lands. In many instances parties claim as Inamdars who have really no other title than that of long possession; and it may seem very plausible that such parties should be ousted, or made to contribute towards the general expenses of Government. But it is surely bad policy to seek to disturb parties, who, although they can produce no grant to establish their original title, have nevertheless acquired a title to the land by long possession. Yet such is our course; in Bellary we are now striving to inquire into the title of Inamdars—a measure recommended by Sir Thomas Munro thirty years ago, practicable probably then, but most unjust now after thirty years of undisturbed possession...." (*The Rebellion in India*; *pp*. 113–4).

(1) [Ed.] See note (1) on p. 15.

the "privilege of adoption" so "dearly prized by Indian dignitaries," is simply the legal right of adoption which is necessarily enjoyed by every Hindoo.[1] When the full effect and benefit of the Hindoo law of inheritance are allowed to all our Hindoo subjects, how could we ever pretend to refuse or restrict it in the case of Hindoo Princes, who are our friends and allies; but who are not our subjects?

The following extract is taken from the Quarterly Review of April :—

" We have heard of a new policy towards Native Princes, inaugurated by Lord Canning, which is to generate or to revive loyalty and attachment to us in their breasts. Until we know more fully and distinctly in what that policy consists, we cannot pronounce on it as a whole. Meanwhile, however, as to one part of it, we must express our surprise at the announcement that henceforth our Indian Government will not exercise the office,—hitherto always appertaining to the paramount power in India, when such a power, whether Mogul or English has existed,—and of recognising, or refusing to recognise the adopted son of a native Prince as heir to his dominions. Such a prorogative no doubt is susceptible of abuse; but the moderate, honest, and beneficient exercise of it is also possible."[2]

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(1) [Ed] Hindus claim the right to adopt heirs as a custom obtaining in civil law. The Viceroys' sanads to Hindu rulers promised to recognise and confirm adoptions, in accordance with Hindu law and customs "The Mohammedan Chiefs, with whom this was a political question only, were assured that any successions, according to Mohammedan law would be upheld."

Lord Canning's sanads of adoption in 1861 were granted to 140 rulers, assuring them that in future, the Government would confirm the custom of adoption on failure of natural heirs. The list was supplemented afterwards, as there was then much uncertainty as to the position of many rajas. "To the Princes these Sanads were our recognition of a duty; to the British Government they were an engagement of honour; and to the expositors of political theory in the new Foreign Department they became the grant of rights made by the Paramount Power." (A. P. Newton—*Scraps of Paper*; p. 331).

2. Quarterly Review, No. 218, April 1861, p. 606, 607.

No such prerogative ever appertained to the paramount power in India, whether Mogul, Mahratta or English. This supposed imperial prerogative of disapproving and forbidding adoptions in the families of Hindoo dependent Princes,[1] is historically false and contrary to the law of nations and the political precedents of India. Neither the doctrine nor the practice can be detected in the recorded acts or in the diplomatic documents of the most powerful and widely extended monarchies that existed in India before ours. Neither the Kings of Delhi nor the Peishwas ever exercised or claimed the right of forbidding adoptions in the families of dependent chieftains,—not even when the chieftain's rank was merely that of Zemindar or military jaghiredar,—when once the tenure had been established or acknowledged as hereditary. Undoubtedly a nuzzurana, or personal attendance, or some other mark of fealty and homage,

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(1) [Ed.] Sir William Lee-Warner, (who became the "High Priest" in the temple of the Foreign Department in succession to Sir Charles Lewis Tupper) in his book, *The Native States of India*, professes to recognise the binding force of treaties and engagements with states, but in effect shows that the treaties are not binding—this being "the paradox that the Political Department are obliged to propound when endeavouring to harmonise their practice with royal proclamations." He thus puts the legal aspect of the doctrine of lapse. "Hindu law requires that in default of male issue, an adopted son should be engrafted on the family, to save the father's soul...... The religious obligation devolves on the widow to provide an adopted son, should the father be unable to perform the ceremony before his death. The son so adopted is placed at once in the legal position of a natural heir and inherits his father's property. But the Hindu law also recognises a fundamental distinction between private property and a chiefship. This division of private and public interests may be traced in the rules governing the partition of family estates, in which all sons have a share. They may even claim against the father a partition of the family property. But such is not the case where a chiefship is concerned. The public estate has to bear the burdens and fulfil the responsibilities of the kingly office. No administration could be maintained even in name, were the partition and disintegration of the state permitted. The younger sons of ruling chiefs are therefore placed in a worse position than the sons of private citizens. In dealing with adoption, the same principle must, it is argued, be applied. Adoption and succession to rule are perfectly distinct. The widow of a chief may certainly adopt a son to perform the religious rites and services due to his father's manes. The son so adopted will have a right to succeed to any private property of his deceased father by adoption. But before he can succeed to the chiefship the sanction of the superior sovereignty which maintains by its protection the integrity of the state, must be obtained." Lee-Warner further says that the history of the Peishwa's dealings with his subordinate feudatories can be cited in support of this view; and also he asks that, if the recognition of the British Government is required in the case of each succession to a *dependent* native state, even where its existence as a state dates back before British rule, whether the case is not far stranger where the British Government either created the state as Coorg or Mysore, or regranted it after rebellion as in the case of Satara and Nagpore.

was exacted at each succession from inferior and subject chieftains; undoubtedly the ultimate decision in cases of a disputed inheritance, rested with the supreme power;[1] but however pompous and extravagant the despotic pretensions of the confirming authority may have been, the inviolability of the Hindoo law and custom of inheritance was always scrupulously adhered to both by the Mussalman and the Brahmin Sovereign. And yet those Sovereigns, even in the decline of their power, never made treaties with the Nawabs or the Rajahs from whom they claimed allegiance. The King of Delhi granted firmans or sunnuds; the Peishwa received written applications for concessions, and returned them with his answers, favourable or unfavourable, attached. On the other hand, however imposing and overwhelming our power may have become, it is undeniable that the British Government has at no period claimed or assumed either the imperial status of the King of Delhi or the federal supremacy of the Peishwa. On the contrary it has made treaties on equal terms with several of their former dependents; and from the language of those treaties alone can be reciprocal relations of the parties be determined.

(1) [Ed.] On the death of Maharaja Jaswant Singh of Jodhpur, at Jamrud, when commanding the Mughal posts in the Khyber region, in December 1678, without any son, Aurangzib indeed appointed no successor to the vacant throne of Jodhpur for five months, though there was an heir in the person of Indra Singh, the Rao of Nagor, who was a grandson of Amar Singh, the banished elder brother of Jaswant Singh. When the rights of Ajit Singh, the posthumous son of Jaswant Singh were urged before Aurangzib, he ordered that the child should be brought up in his harem, with a promise to give him a rank in the Mughal peerage and investiture as Raja when he should be of age. According to another version, Jodhpur was offered to Ajit Singh on condition of his becoming a Mussalman. This was in keeping with Aurangzib's policy, as he had lately granted the Zamindaris of Jogigarh, Deogarh and Mhow to those among rival claimants who had agreed to accept Islam. When Ajit Singh escaped from imperial custody, due to the heroism of Durga Das, the leader of the Rahtor legitimists, Aurangzib dethroned Indra Singh, "the two-months' Raja of Marwar" for proved incapacity and placed the state under the direct administration of the Crown.—This incident which gave rise to the Rajput war of 1679–81, should be regarded as abnormal and as being an extraordinary departure from the usual practice.

There is another erroneous view of this subject that has been too frequently set forth both in official documents and popular sources of information. The *Saturday Review*, for example, (February 26th, 1859) speaks of adoption as if it were only "practised by an extinct dynasty or family to prolong or renovate itself." This is a complete mistake. Even when the agnates of the dynasty constitute a very tribe in numbers,—when numerous collateral relations of the head of the family are in existence—an adoption frequently becomes necessary. An adoption ought to take place whenever there is no lineal male descendant. Far from being an unsual privilege, or an extension of the rules of inheritance commonly prevailing among nations, (under which the most distant collaterals in the male or female line can succeed) the law of adoption operates very frequently as a restriction of the rights of consanguinity. What the Hindoo about to adopt requires is not an *heir* to his crown or property, but a *son* to perform certain religious duties on his behalf; and although he is generally restricted in his choice, both by natural affection and established custom, to his own kindred, the person whom we should consider next in succession is often legally and ceremonially ineligible for the final position,[1] and is therefore excuded in favour of his own son or nephew, and sometimes of a very remote kinsman, or of a perfect stranger.

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1. A boy who has been married cannot be adopted; a person in an equal or higher degree of descent from the common ancestor, however young in years, cannot be adopted; an only son ought not to be resigned by his parents, though his adoption when completed would be valid; and there are other points of disqualification.

Further Note—[Ed.] A man might adopt any child whose mother he could have married if she had been single. The adopted son and the adopting father must be of the same caste. In former times it was deemed obligatory to adopt the nearest male *sapinda*; but this has become obselete; and the adoption of a stranger is valid, although nearer relatives, otherwise suitable, are in existence. The only person to whom an authority to adopt can be given is a wife or widow; and no widow can be compelled to exercise her power of adoption if she does not wish to do so. The period fixed for adoption is prior to the *upanayana* (investing with the sacred thread) for members of the *dwija* castes; for others it is prior to marriage. Even an eldest son or one of two sons may be adopted. The objection to adopt an only son does not apply, when the adopted son thereby becomes a *dwayamushyayana* or son of two fathers; and there is no change of family for the adopted son, as when a man adopts his brother's son. It is doubtful whether any religious ceremony is required even for adoptions in the twice-born classes. Neither acquiescence nor lapse can make an invalid adoption valid.

The right, or rather duty, of adoption is no peculiar privilege; it is the specific and inherent principle of the Hindu law of inheritance; and there is no religious obligation that is held more sacred amongst Hindoos. When a man has no reasonable hope of male issue, it is a sin in him not to adopt. Should he however die without having effected this great object, it is the duty of his widow, with the concurrence of the senior male relatives, to adopt a son for her deceased husband. The adopted son performs the funeral ceremonies and becomes the heir of the deceased, and henceforward loses all shares and interest in the property of his natural parents. Unless there is a son or lineal descendant, there ought always to be an adoption, for even the nearest relation is not entitled to succeed merely by reason of his consanguinity; and in the event of there being no blood-relation eligible for adoption, a duly adopted son from another family is the heir, to the exclusion of all collaterals.[1]

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1. The eminent jurist, Mr. Henry Sumner Maine, now a Member of the Governor General's Council, has clearly defined the scope and effect of the adoptive right in the following passages of a work which has already become a European classic:—

Among the Hindoos, the right to inherit a dead man's property is exactly co-extensive with the duty of performing his obsequies. If the rights are not properly performed or not performed by the proper person, no relation is considered as established between the deceased and anybody surviving him; the Law of Succession does not apply, and nobody can inherit the property. Every great event in the life of a Hindoo seems to be regarded as leading up to and bearing upon these solemnities. If he marries, it is to have children who may celebrate them after his death; if he has no children, he lies under the strongest obligation to adopt them from another family, 'with a view', writes the Hindu doctor, 'to the funeral cake, the water, and the solemn sacrifices.' *Ancient Law* pp. 191–192.

In Hindu law there is no such thing as a true will. The place filled by wills is occupied by adoptions; we can now see the relation of the testamentary power to the faculty of adoption and the reason why the exercise of either of them would call up a peculiar solicitude for the performance of the *sacra*. Both a will and an adoption threaten a distortion of the ordinary course of family descent, but they are obviously contrivances for preventing the descent being wholly interrupted, when there is no succession of kindred to carry it on. Of the two expedients, adoption, the factitious creation of blood relationship, is the only one which has suggested itself to the greater part of archaic societies. The Hindoos have, indeed, advanced one point on what was doubtless the antique practice, by allowing the widow to adopt when the father has neglected to do so." Ibid. pp. 193–194.

The writer in the *Times* therefore, in the passage already quoted, though erroneously speaking of it as "a privilege" for which "the consent of the Supreme Government is necessary," has correctly defined the right of adoption as that of "nominating an heir in cases where *actual issue* has failed." Adoption is not, as commonly supposed, a remedy for lack of heirs, but is the selection of one from a number of possible heirs,—often from a long list of agnates and cognates,—to be not merely *an heir* but *a son* to his predecessor. In the vast majority of cases the son adopted would be the natural heir according to European law, or a son of the natural heir,—a nephew, or a first cousin's son of the adoptive father. In every one of those cases of adoption in princely families which Lord Dalhousie refused to recognise, the rejected claimant was a blood relation of the adoptive father.

All the best authorities on Hindu law, and the known and recorded practice both of native Princes and chieftains, and of private individuals throughout India, concur in testifying that the nearest eligible relation ought in all cases to be the adopted heir.

"The nearest male relation of the adopter is the proper object of adoption. This of course is the nephew, or son of a brother of the whole blood. Where there is none, the choice should still fall upon the next nearest male relation; with liberty, in default of such, to select from among distant ones, and among strangers, on failure of all kin." (Strange's Hindu Law, 1825, Vol. I, p. 72.)[1] "A person being about to adopt a son, *should take an unremote kinsman*, having convened his kindred, and announced his intention to the King." (Vyavahāra Mayookha, translated by H. Borradaile Surat, 1827, p. 72). There is a right *to be adopted*

(1) [Ed.] Sir Thomas Strange, Chief Justice of Madras, compiled an elementary work on Hindu Law, "the first attempt to compose a text-book on the subject in the spirit of an English jurist." It was based on a mass of opinions delivered by Pandits in the Madras Courts and was submitted to the consideration of Mr. H. T. Colebrooke, the famous Orientalist, his nephew, Mr. Sutherland, the translator of a work on adoption, and Mr. Ellis, a distinguished Madras Civilian and the author of a work on *Mirasi Tenure*. Mr. Colebrooke's notes and criticisms were of the highest value.

as well as the right *to adopt*, and though the former is certainly not absolute, and the unjust adoption of too distant a relative or of a stranger in blood, if performed with due ceremonies, is irreversible, still the right to be adopted is very generally respected and observed; and among families of Hindoo Sovereigns it has been almost invariably held sacred, both as a point of family honour, and as a matter of public policy.

The following passage from the Code of Manu, is quoted in Mountstuart Elphinstone's History of India, Vol. I; p. 66:—"The natural heirs of a man are the sons of his body, and their sons, and the sons of his daughters, when appointed in default of heirs male to raise up issue to him; on the failure of issue of the above description, an adopted son succeeds; such a son loses all claim on the inheritance of his original father, and is entitled to a sixth of the property of his adoption, even if subsequently to his adoption sons of the body should be born; on the failure of sons come brother's sons, who are regarded as standing in the place of sons, and *who have a right to be adopted, if they wish it, to the exclusion of all other persons*: on failure of sons, grandsons, adopted sons and nephews, come father and mother; then brothers, grandfathers and grandmothers, and then other relations, such as are entitled to perform obsequies to common ancestors." Various schools in different parts of India interpret Hindu law with some disagreement on these points; but the tendency of all the schools has been to extend and not to contract the privilege of adoption. "Most of them", says Mountstuart Elphinstone, (History of India, Vol. I, p. 160,) "admit a species of adoption unknown to Manu, which is made by a widow on behalf of her deceased husband in consequence of real or supposed instructions imparted by him during his life. Some schools give power to the widow independent of all authorisation by the deceased."

One of the best authorites on this subject is the Summary of Hindu laws and customs in the Deccan, printed by order of the Honourable Mountstuart Elphinstone in 1826, when he was

Governor of Bombay.[1] Nothing can be more clear and decisive than the following statements, of which the first will be found in the Preface :—

"1. A general conformity is observable amongst all the castes in the practice of adoption, *even by widows*, in order to secure the continued performance of funeral oblations. (p. 15).

The widow may adopt *one of the husband's relations*, with their concurrence and that of the caste, who will be the heir." (p. 177).

"2. And it is laid down in an authority from which I have already quoted :—" If there must be an order from the husband, it is for a married woman only ; but, for a widow, even without it adoption may be made, with the permission of her father, or, on failure of him, of the relations. The right of adoption, even without the order of her late husband, does pertain to a widow." (Vyavahāra Mayookha, pp. 72, 73).[2]

(1) [Ed.] Elphinstone applied his energy almost from the beginning of his Governorship to the preparation of a code of laws, including a systematic inquiry into the existing customs and usages of the people. The work was drawn up by Mr. Steele and gave an account of the legal treatises in the original Sanskrit which were held in repute and also a mass of information regarding rules of caste, marriage, inheritance and the customary law in some branches of contract. This work was followed up by a series of reports of the decisions of the courts of law prepared by Mr. Borradaile, and by a translation by the latter, of a work on inheritance (T. E. Colebrooke's *Life of the Honourable Mountstuart Elphinstone*. Vol. II ; pp. 110–7).

(2) [Ed.] There were originally seven kinds of adopted sons. There are now only two, *dattaka* (he whom his father or mother gives away in adoption with his permission) and *kritrima* (son adopted by the man himself). The *dattaka* form is in use over all India ; the *kritrima* form is in vogue only in the district of Mithila. Lawyers of Western India do not consider that any express permission to adopt is required by a widow who wishes to adopt after her husband's death. In Southern India the widow may adopt without express permission, but the *sapindas* must give their sanction to make the adoption valid. The *Dhāyabhāga* and Benares lawyers hold that the husband must have expressly authorised the woman to adopt in order to make the adoption valid. Thus there is difference about the interpretation of the text of Vasishta which is regarded as universally binding and which says :—" Nor let a woman give or accept a son unless with the assent of her lord."

The *Vyavahara Mayukha* is a treatise of great authority whose author was one Nilakantha, who lived in the 16th century. Generally its authority is considered secondary to that of the *Mitakshara* ; but in Gujarat its authority is to some extent preferred. It was translated by Borradaile and published at Surat in 1827.

There are two treatises on adoption which have gained acceptance over the greater part of India, *viz.*, the *Dattaka Mimamsa* and the *Dattaka Chandrika*, the former composed in the early part of the 17th century and the latter somewhat earlier. They are both Bengal treatises and were translated by Mr. Sutherland and published at Calcutta in 1821. (See Markby's *Hindu and Mahommedan Law* ; and West and Buhler's *Digest of the Hindu Law of Inheritance*).

When the health of Dowlut Rao Scindia, Maharajah of Gwalior, was obviously failing in the year 1826, he was strongly urged by the Resident, under instructions from the Supreme Government, to adopt a son, so as to avoid the dangers of a disputed succession. The sole cause alleged by the Rajah for delay was, "that from all his relations being so distant and unknown to him, he was not exactly aware who was *the proper person for him to adopt*, and had therefore sent people to the Deccan to make the necessary enquiries."[1] The Resident's opinion on the subject was given to Government in a despatch dated the 4th October 1826, in the following terms :—"Although according to the regular canons of Hindoo law neither widow might have a valid title to adopt without being empowered by the husband, yet the result of my enquiries leads me strongly to believe that practically when the husband dies suddenly, or otherwise, without making any arrangements for an adoption, the right of the senior wife is universally acknowledged, but *she is considered bound to adopt the nearest male relative within seven degrees.*"[2]

1. Blue Book, Succession by Adoption, 1850, p. 9.

2. Succession by adoption, p. 13.

Additional Note.—[Ed.] He sent to the Deccan shortly before his death for the children of some distant relations, so that he might select one from amongst them. The candidates, five in number, arriving at Gwalior only after his death, the right of selection devolved upon his widow Baiza Bai, who was daughter of the infamous Ghatgay, and who then filled the office of regent. She selected Mugat Rao, a boy of eleven years of age, of an obscure branch of the family, but declared to be the nearest relation of Daulat Rao, in accordance with what was believed to be his last wishes. (Malleson's *The Native States of India* (1875) pp. 161 and Hope's *House of Scindia*). The ceremony of adoption took place on June 17, 1827; and on the same day the boy was married to the grand-daughter of Daulat Rao, by his daughter married to Dhubari Rao Senapati. The next day he was placed on the throne under the auspices of the British Government, with the title of Alijah Jankoji Rao Sindia, and under the regency of Baiza Bai who acknowledged this succession most reluctantly and continued to maintain that it was her late husband's intention that she should control the government during her life. She even proposed to the British Government the conclusion of a new treaty by which she might obtain the formal recognition of her right to exercise the powers of regent during her life. Government did not consent to the treaty, and insisted in 1830, on the Regent using the young Maharaja's seal in all her communications.

On the 20th March 1827 the Resident reports that the Maharajah's health is much worse, and that "he cannot survive many days," and he adds:—"In as far as I am able to judge from appearance, no steps are likely to be taken before the Maharajah's death towards the adoption of a son. Indeed, as the persons who are supposed *to have the best claim to adoption* are still in the Deccan, though their pictures have been sent here, I doubt if it will now be possible for his Highness to perform that ceremony, unless he were, on the emergency of the occasion, to adopt *some very distant relation* here, which is, however, not at all probable."[1] Dowlut Rao Scindia expired the very day after this despatch, and without having adopted a son. His widow, the Baiza Baee,—who would have preferred postponing the ceremony, and thus keeping all the authority in her own hands for an indefinite period, and who required a little persuasion and pressure by the British Resident and some of the Ministers of the state before she would acquisce,—formally adopted on the 18th June 1827 the nearest eligible relation[2] of the deceased Rajah, a boy named Moogut Rao, who was placed on the Musnud under the name of Jankojee Rao Scindia.[3]

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1. Succession by Adoption p. 19.

2. Succession by Adoption pp. 28, 24.

(3) [Ed.] Jankoji Rao experienced great oppression from Baiza Bai who would not get him educated and kept him secluded, almost in confinement. He fled from the palace in 1832 and took refuge with the British Resident. It was only during the visit of Lord William Bentinck to Gwalior in December of that year, that he was told that it was impossible for the British to interfere, but that "if he would abstain from all attempts to subvert the Baiza Bai's power, the British Government would prevent the Regent adopting any other person, to the prejudice of his claim to the throne." This decision satisfied neither party; and in seven months Jankoji Rao was once more a refugee at the British Residency. When he was persuaded to return to the palace, the people and the troops rose against the Regent and forced her to take refuge, in her turn, with the Resident. Now she was forced to agree to resign the sovereignty and quit the country; and the Maharaja was proclaimed sovereign by the Resident. These procsedings of the Resident did not meet with the approval of Lord William Bentinck who censured him for having called out the contingent to

In 1843 Jankojee Rao Scindia died without male issue, and without having effected an adoption.[1] With the full subsequent approval of the Governor-General, the same course was pursued as on a former occasion; the senior widow, Tara Baee, adopted Bhageerut Rao, "*the nearest in blood*" to the deceased Rajah, who was immediately installed and proclaimed as Jyajee Rao Scindia.[2] This is the present reigning Prince, who proved himself so loyal and devoted an ally in the critical days of 1857 and 1858.

In replying to inquiries made by Government regarding the heir apparent to the musnud of the Indore, adopted by Hurree Rao Holkar during his illness in 1841, Sir Claude Wade, the Resident, in a letter of the 2nd March, 1843. writes :—" Khunde Rao was selected in the following manner : the Maharajah himself not being acquainted with the hereditary descent of his family, summoned from Mahesur an old woman, Gopika Baee, the widow of one of the Holkar tribe, and famed among its members for her knowledge of its genealogy ; she stated that Bapoojee and Suntojee, the sons of Ithoba, residing near Indore, *were the*

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support the Maharaja's authority. Government declared its indifference as to whether the Maharaja or the Bai exercised power, its only object being "to preserve general tranquillity and its own reputation, recognising the ruler supported by the popular voice." Thus Baiza Bai was prohibited from using her asylum in British territory or any dependent state for the purpose of organising any invasion of Gwalior; but she was at liberty to return to the capital and rely on the support of her own subjects.

Jankoji was a weak ruler and the administration was in the hands of his maternal uncle, Mama Sahib, and marked by dissensions and jealousies in the court and a mutinous temper on the part of the army. He, however, kept on good terms with the British Government, helped it to suppress Thuggi and highway robbery and rejected negotiations for alliance from Nepal and Afghanistan.

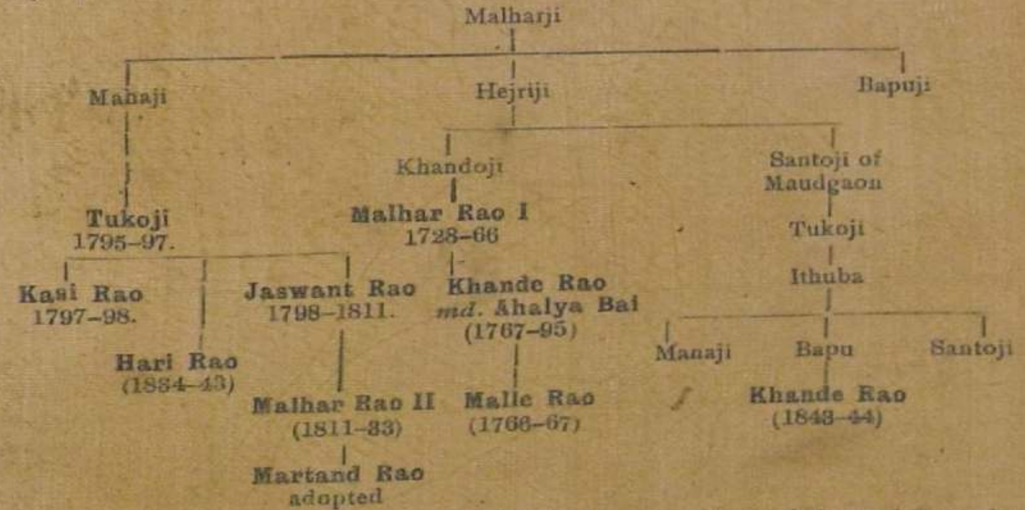
(1) [Ed.] Jankoji had no male children. In 1837 however, an attempt was made to substitute a male child for a female to which his wife had given birth. The attempt failed owing to the Mahataja coming to know of it. On the death of this wife in the next year, he married her sister, Tara Bai.

2. Succession by Adoption pp. 39, 40.

nearest in connexion to him.[1] One of the Maharajah's attendants was accordingly sent to bring them and their sons, of which the former had two and the latter one, before his Highness. On their arrival his choice fell on Khunde Rao, as well from his being in appearance the most intelligent, as on account of his name, that of the husband of Ahalya Baee, and of the Deity whom the Mahrattas chiefly worship." [2]

The same rule and custom have always prevailed in the Rajpoot principalities, the most ancient sovereign houses of India. Col. Sutherland, Governor-General's Agent in Central India, in a letter dated 25th August, 1841, gives the following opinion with reference to a disputed succession in the petty state of Kishengurh :......" There may be some difference of opinion on the

(1) [Ed.] The following genealogical tree is taken from M. W. Burway's *Life of H. H. Maharaja Tukoji Rao Holkar II.* (1925).



Again on the death of the imbecile Khande Rao, the claims of Martand Rao who was originally adopted by the widow of Mulhar Rao II were urged ; but the British Government declined to accept the proposal. It was then suggested by Ma Sahiba Kesara Bai, a widow of Jaswant Rao that the younger son of Bhau Holkar, uncle to Martand Rao, should be chosen. Both Bapu, father of Martand Rao and Bhau Holkar were descended from Bapuji, one of the three sons of Malharji, the ancestor of Malhar Rao I. On the choice of the successor of Khande Rao, the Resident reported that the younger son of Bhau, Holkar was chosen " being the more comely and more healthy child and his horoscope the more fortunate.

2. Succession by Adoption p. 76.

subject of the right of a widow to adopt a son, where she was not enjoined or permitted to do so by her husband; where she had his authority, her right to do so would not, I think, be questioned anywhere in Rajpootana; and even where she had not his authority, her right would, I think, in most cases be recognised; the adoption being of course made *from the nearest of kin to her deceased husband*, although even in this respect great latitude is allowed."[1]

Sir Richard Jenkins, in his Nagpore Report of 1827, (p. 146) declares the rule that had been observed in seating the Rajah, then a minor, on the throne, and that should be observed in choosing his successor from the female line, in case he should die without leaving a son.[2] That rule was "to choose the nearest male descendant of the last Rajah who had any." According to that rule the late Rajah's grand-nephew, the great-grandson of Rughojee the Second's daughter, and that Rajah's "nearest male descendant," was chosen and adopted as a son, on the death of his grand-uncle, the late Rughojee the Third of Nagpore. Lord Dalhousie, without enquiry or notice, declared the Bhonsla family to be extinct, and the Nagpore state to have "lapsed" for want of an heir.[3]

1. Succession by Adoption, p. 178. [Ed.] Mokam Singh, in whose favour his father, Kalyan Singh, abdicated in 1832, died in 1840 and was succeeded by his adopted son, Prithvi Singh.

(2) [Ed.] On the deposition of Appa Saheb in 1818, a grandson (by a daughter) of Raghuji Bhonsle (1788-1816) was placed on the throne. During his minority the Nagpore territory was under the management of the Resident, acting in the name of the Raja (Raghuji III) In 1826 when the Raja attained his majority and took over the administration, a new treaty was entered into with him, by which the Raja bound himself, among other things, to maintain good government under the supervision of the Resident. He ruled till 1853 and died without leaving a son, natural or adopted.

(3) [Ed.] Aitchison remarks that the Nagpur State had been forfeited in 1818 through the treachery and hostility of Appa Saheb and had been declared to belong by right of conquest to the British Government which had conferred it as a free gift on Raghuji III, under the treaty of 1826. The preamble to that treaty says as follows:— "Whereas an attack was made by Rajah Moodhajee Bhooslah (Appa Saheb) on the British Resident...thereby dissolving the said treaty, annulling the relations of peace and amity between the two States, placing the State of Nagpore at the mercy of the British Government and the Maharaja's Musnud at its disposal." (Treaties etc Vol. I; (1909)—pp. 385 & 426).

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The real object and significance of the Monarch's sanction to adoptions in the families of his vassals,—besides that of enforcing homage and asserting supremacy—was to prevent the "great latitude" of choice permitted by the letter of Hindu law from operating to the prejudice and exclusion of blood relations. The only passage in Colebrooke's great work on Hindoo law in which the "ruling sanction" is referred to, is the following extract from the ancient commentary of Vasishta :—" He who means to adopt a son, must assemble his kinsmen, give *humble notice to the King*; and then having made an oblation to fire with words from the Veda, in the midst of his dwelling house, he may receive, as his son by adoption, *a boy nearly allied to him*, or, *on failure of such*, even one remotely allied."[1] In the important case of Bhasker Buchajee *vs.* Naroo Rugonath, Select Reports, 24, (approved in Perry's Oriental Cases, 151,) it was decided that *want of the permission of the ruling authorities, is an insufficient ground* for setting aside an adoption once made with the proper ceremonies.

Another great authority, Sir Thomas Strange, in his Elements of Hindu Law (Vol. 11 p. 64), after detailing the various forms and ceremonies required to constitute a valid adoption, appends the following remark :—" Most of these rules are general: they are not all imperative. *The notice to the King may be dispensed with.*"

Now let us examine the first case in which the British Government transferred the "ruling sanction" into the power of ignoring adoptions. We had made a treaty with Rughojee Angria, Rajah of Colaba, in 1822,[2] by which "the entire supre-

1. Colebrooke's Digest of Hindoo Law, Vol. III ; p. 242.

2. Volume of Treaties, 1853, p. 340. [Ed.] Manaji Angira, the eldest of the illegitimate sons of Kanhoji, the founder of the dynasty, acknowledged the supremacy of the Peishwa who invested his son, Raghuji, with power in 1766. On Raghuji's death in 1793, the Peishwa occupied the principality for some time and then gave it to Raghuji's son, Manaji, who however was deposed in 1799, by the Peishwa Baji Rao II, at the instigation of Sindia, in favour of Babu Rao Sindia's near relative. This chief was succeeded by his son Sambhaji. But the Peishwa again set aside this line and restored the old family in the person of Manaji, grandson of that Manaji who was deposed in 1799. This second Manaji died in 1817; and his son Raghuji had not been invested with power when the Peishwa was overthrown by the British army. After the conclusion of the war, the British concluded a new treaty with Raghuji Angria, defining his relations with the British Government.

macy," and "right of investiture," were expressly reserved to the British Government [1]. In 1841, standing on this right of investiture, Lord Auckland refused to permit an adopted son to succeed. But this right of investiture was not a right of arbitrary resumption, or of escheat on failure of lineal heirs. No Hindoo or Mahomedan monarch ever asserted such a right over his feudatories. If the Mogul or the Peishwa ever annexed a dependent principality, or resumed a Zemindaree, it was done by an act of violence, seldom if ever at the period of a succession, and always-justly or unjustly-—as the ostensible punishment for some rebellion, treason or defalcation of feudal duty. The right of investiture imposed the duties of homage, fealty and service on the feudatory, and entitled him to protection; but it gave the Suzerain no right to *divest* the obedient and dutiful dependent. The right of investiture is not a right of refusing investiture. The Indian Suzerain always claimed his *nuzzurana*, and imposed some additional penalty when his authority had been slighted by an unsanctioned adoption; but he could no more obtain the right of resumption by declining the proffered homage and refusing investiture, when the lawful heir presented himself, than an English Lord of the Manor could obtain possession of a copyhold, by rejecting a pepper-corn rent, or than the Queen could resume Strathfieldsaye from the Duke of Wellington, by declining to receive the Union flag, the annual presentation of which is the service tenure by which the estate is held.

There were no restrictions on the operation of the Hindoo law of inheritance contained in our treaty of 1822 with the Rajah of Colaba; there was more than one precedent for a succession

1. [Ed.] Article 4 of the treaty of June 1822 runs thus:—"The British Government......reserves to itself entire supremacy over the Colaba State and the right of conferring investiture on the Chief of Colaba on any vacancy of the musnud."

Raghuji Angria died in December 1838; and a posthumous son was born to him in January 1839; and his succession was recognised. But the child died on the 9th April 1840. The widows of Raghuji Angria wished to adopt a son. The succession was also claimed by Sambhaji Angria, grandson of Yesaji, who was the second illegitimate son of the first Kanhoji. But both claims were rejected and the territory of Colaba was annexed.

by adoption in this principality; and all claims to *nuzzurana* and tribute having been waived and remitted by Article 4 of the treaty,[1] the "supremacy and right of investiture," reserved by that same Article, simply entitled the British Government, as Suzerain, to exercise supervision and control over each succession, whether by natural descent or by adoption, until satisfied that everything had been done conformably with law, with local custom, and with an equitable regard to the general interests of the family, and to the individual rights of each of its members. This and this alone is the meaning and scope of the "ruling sanction."

The act of adoption is irreversible; and the Sovereign had no more power to refuse succession to an adopted son than to a son of the body. In cases of *surinjam*[2] property, or service Jaghires, held, according to the written terms of the grant or according to immemorial custom, at the Prince's pleasure, he could and frequently did decline to place any heir in possession, simply because the service is no longer required, or because he wished to confer the estate on somebody else. This resumption could be, and sometimes was effected during the lifetime of a Jaghiredar, but more often, as might be expected, after his demise. And undoubtedly an irregular or unauthorised adoption

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(1) The article begins with a relinquishment in favour of Raghuji Angria and his heirs and successors, nuzzur nuzzurana, as received or claimed by the late Peishwa and his successors. The first Angria Kanhoji had two legitimate sons, Sakhoji and Sambhaji. Sakhoji died in 1733 without male issue and Tulaji the son of Sambhaji died in prison. Then the illegitimate branch of Angria's family succeeded through Manaji.

(2) [Ed.] (Saranjam or Surunjum) *i.e.*, villages granted for maintaining troops (applied among the Marathas to a temporary assignment of revenue from villages or lands for the support of troops or for personal military service, usually for the life of the grantee). These included grants to civil officials for enabling them to maintain their dignity and for charitable objects. They were distinguished as Jat Saranjam (for individuals) and Fauj Saranjam (for troops). (Wilson's *Glossary of Judicial and Revenue Terms etc.* (1855—p. 465).

did from time to time afford a just occasion, or a convenient pretext, for resuming a *surinjam* or service Jaghire. [1]

But in the case of *Sawasthans*[2] or ancient Zamindaries, and of *Inam* estates,[3] —which were considered as private property, descending to heirs general, mortgageable, and even saleable, with the consent of the co-heirs[4] there is not a single instance on record, there is not even a tradition or rumour extent, to show that any Hindoo or Mahomedan Sovereign ever claimed the right or preventing an adopted son from succeeding. The sanction by the ruling power was never withheld, and never could be, where the adoption was unexceptionable.

The only corrective infliction, the utmost extent of interference in the succession to a hereditary estate, upon which a native monarch ever ventured, when an unauthorised or inequitable adoption had taken place, was the exaction of an enhanced or unprecedented *nuzzurana* or fine before he would grant investiture to the claimant. Many such instances of deferred investiture and of the levy of a fine have been found in the records of the Peishwa's Government at Poonah; but during all the researches of the Bombay Inam Commission[5] not a single case was discovered in which an adopted heir had been excluded by royal prerogative from succeeding to his adoptive father. It

1. The infancy of the heir to a jaghire held on a military service tenure was sometimes also made the ground for resuming the estate. But it must be observed, with general reference to the entire question, that a resumption by a native Prince by no means involved the ruin and degradation of a family, as it does under our Government. The heir was always treated with consideration, and provided for by a stipend or sinecure office; and if on attaining manhood he displayed ability, or otherwise obtained the Prince's favour, he was probably placed in as good a position as his father had occupied. This has been impossible under our system.

(2) [Ed.] *lit.* own place (estate, landed property)

(3) [Ed.] *Inam* was, among the Marathas, specially applied to grants of land held rent-free and in hereditary and perpetual occupation.

4. "The concurrence of sons in the alienation by the father of land, as required by the Mitacshara, is dispensed with, where they happen to be all minors at the time, Strange's *Hindu Law*, Vol. I; p. 19.

(5) [Ed.] *vide* note on p. 150

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would be still more vain to search for a precedent for the exercise of such a power by any native potentate over his feudatory chieftains, or over dependent allies of princely rank.

No such precedent exists in the annals of India. No such prerogative, no such power, no such pretence was ever set forth or heard of in India, until the British Government,—beginning in 1841 with Colaba, which was undoubtedly a petty feudatory State over which it had the right of investiture; advancing still further in 1848 with Sattara,[1] which though certainly subordinate and dependent, was held under a treaty confirming the sovereignty, without any words of limitation, to the Rajah's "heirs and successors,"—rose at last to the climax of assumption in 1854, when Lord Dalhousie denied the right of succession by an adopted son in the Nagpore State, with which we had a treaty of "perpetual friendship and alliance," and which had been officially declared in 1826 to be "one of the substantive powers of India."[2] The first lapse from a conservative and protective policy in the case of the petty feudatory State of Colaba, led to the subsequent application of the rule to the more important principalities of Sattara, Nagpore and Jhansi, after which no Hindu sovereignty could be considered as secure from a sudden extinction.[3]

(1) [Ed.] When Pratap Singh was deposed in 1839, his brother Sahuji or Appa Saheb was placed in power; and a new treaty was concluded with him in September 1839. During his illness, before his death in April 1848, he adopted a collateral relative Venkaji Raja, descended from Shivaji the Great. But Government refused to recognise the adoption and decided that Satara had, by the failure of heirs, lapsed to the power that bestowed it. The Ranis remonstrated against the assumption of the state; but eventually they had to acquiesce and accept the provision made for them and their adopted son. The latter died in 1864; and the surviving Rani adopted another son, Raja Ram, on the strict understanding that he would succeed only to her private property.

(2) [Ed.] Vide p. 164: notes 2 & 3.

3. "The principality of Colaba has been held by the family of Angria for nearly two centuries in a state of independence. It has never been in our possession. Our connection with it rests upon the foundations of a formal treaty, freely contracted; and while a vestige of Angria family remains, it belongs of right to them, and cannot be seized and appropriated by us otherwise than by an act of violence, perpetrated by our superior power. It is assumed that the principality has lapsed to the paramount state, by reason of the failure of heirs. But the ground I rest upon is, that the widow

But our first encroachment was not merely a lapse from conservative policy, it was a positive denial of justice and an abuse of our material strength. Far from being a proper and opportune assertion of Imperial rank, duties and functions by our Government, as several persons have argued, it was an absolute abdication of that federal rank, and a repudiation of those duties and functions of protection and control. which alone can entitle the *de facto* paramount power to be recognised and obeyed as the Imperial sovereignty of India. By this new policy our Government assumed the offensive and defiant position of an all absorbing acquisitive *Kingdom*, denied its origin and history, contradicted all its precedents, and cast all treaties to the wind.

No prerogative of resumption, no right of escheat can be silently conveyed or implied in a treaty, when the terms neither of that treaty nor of the antecedent negotiations show any trace of such a claim, or of such a concession. Nor could any such prerogative and right be suddenly acquired or gradually amassed by the enormous increase of our power, without an explicit assertion on the one part, and an explicit admission on the other.

Our Government has on many occasions introduced limitations and explanations into those clauses of treaties which guaranteed hereditary descent. In a treaty with the Rao of Cutch in 1819, the succession was limited to the Rajah and "*his*

of Rughojee Angria possessed, under the authority of that Prince, which is not disputed, the right to adopt, and still possesses that right unimpaired. Adoption with a Hindoo, is both a right and a duty."

"I never can satisfy myself that true policy can comport with injustice and oppression. The native princes and chiefs of India will see in the fate of Colaba their own destiny; their fidelity and attachment cannot be relied upon while they have such cause for distrust and alarm, and although they may be overawed and kept down by our irresistible military power, the occasion may arise when their hostility may become dangerous. The feelings of our Indian subjects are not to be trifled with; and it is not wise or safe to depart from that conciliatory conduct or to efface from their minds those impressions of our justice, wisdom and good faith, which have hitherto constituted our bond of union with the people, and the true basis of our power in India." (Selections from the Papers of Henry St. George Tucker, pp. 27 and 100.) This most convincing protest, the whole of which is worth reading, had no effect on the Court of Directors.

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legitimate offspring."[1] We made a treaty with the Raja Rana of Jhullawur in 1838, [2] by which the sovereignty was secured to the reigning Prince, "his heirs and his successors *being his descendants.*"[3] We made a treaty with Goolab Sing of Cashmere in 1846, limiting the succession to "*the heirs male of his body.*"[4] We tried to make a treaty with the King of Oude in 1856, by which the succession was to be confined to "*the heirs male of his body born in lawful wedlock.*"[5]

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(1) [Ed.] Article 3 of the treaty acknowledges the infant son of the late Rao Bharmulji and his legitimate offspring as the lawful sovereigns of Kutch.

(2) [Ed.] Jhalawar, as already noticed on p. 106, notes 1 & 2, dates as a separate state only from 1838 when the Kota State was dismembered. The treaty which was entered into with Raj Rana Madan Singh placed him exactly on the same footing with the other rulers of Rajputana; but the succession was to be limited to the descendants of Zalim Singh—the grant being made "to Raj Rana Mudun Singh, his heirs and successors being the descendants of Raj Rana Zalim Singh."

(3) Volume of Treaties, 1853, p. 447.

(4) Volume of Treaties, 1856, p. 57. This limitation was removed by Lord Canning in 1859 as a reward for the services rendered by the Rajah of Cashmere during the rebellion. This was a special act of favour quite unconnected with the general tenor of the Adoption despatches of 1860. [Ed.] Ranbir Singh who succeeded Gulab Singh, in 1857, sent a force to help in the siege of Delhi, which aided in its capture and the settlement of the surrounding country. The sequel of Gulab Sing's and Ranbir Sing's services is found well described in A. P. Newton's *Scraps of Paper*—pp. 87-111.

(5) This was a most insidious limitation, quite novel and unknown to Mahomedans, and especially offensive to a Mahomedan Sovereign. The Sultan and the Shah never marry. Two successive predecessors of the present Nizam, Salabut Jung and Nizam Ali Khan, were both sons of concubines. So long as there is paternal recognition, there is really no illegitimacy under Mahomedan law, although precedence and preferential birth-right are given by custom to the sons of a married wife over those of a concubine or slave, and in India, especially in the South, to the sons of a *Shadee* wife over those of a *Nikah* wife. The *Shadee* merely consists in certain Hindoo ceremonies added to the indispensible forms of the *Nikah* which is the only marriage known to Mahomedan law or recognised in our Courts. In the case of Mahomed Bauker Hussain, v. Shurfoon Nissa, on appeal from the Supreme Court of Madras, Lord Justice Knight Bruce, in delivering the judgment of the Judicial Committee of the Privy Council (3rd and 4th February 1860), pronounced it as an old and long admitted position, that "according to the Mahometan law, the legitimacy or legitimation of a child of Mahometan parents may properly be presumed or inferred from circumstances, without any direct proof, either of a marriage between the parents, or of any formal act of legitimation." Moore's Indian Appeals, Vol. VIII.

These are express and intelligible restrictions; but whenever we have guaranteed a principality to a Hindoo Prince, his heirs and successors, without any qualifications or restrictions, it is quite clear that no limited right of succession, no rule except that of the Hindoo law in all its integrity, can have been contemplated by either party to the treaty.[1]

It would have been well, indeed, if the rulers of this great Empire had always cautiously abstained from performing those sweeping "acts of State" by which Lord Dalhousie's administration was so discreditably distinguished, untill they had sounded all the depths and shoals of the ground upon which they were proceeding, and had ascertained that it really would bear the enormous superstructure they wished to build upon it. It would have been well if they had consented simply to hear what the representatives of princely families, threatened with extinction, had to say as to the fact of their continued existence, when the whole question turned upon the admission or denial of that fact. If Lord Dalhousie and his flexible advisers in 1848 had only listened to the not very unreasonable advice of Mr. Frere,[2]

(1) [Ed.] Kaye's *Selection from the Metcalfe Papers* gives definitely the latter's opinion that Hindu princes have by Hindu law a right to adopt, "to the exclusion of collateral heirs, or of the supposed reversionary right of the paramount power: the latter, in fact, in such cases, having no real existence, except in the case of absolute want of heirs; and even then the right is only assumed in virtue of power..." "In case therefore, of Hindoo sovereign princes, I should say, that on failure of heirs male of the body, they have a right to adopt to the exclusion of collateral heirs, and that the British Government *is bound to acknowledge the adoption*, provided that it be regular and not in violation of the Hindoo law." The Court of Directors, in their Political Letter to the Bombay Government, dated 11th June 1834, wrote as follows:—" Whenever the tenure of the estate and the custom of previous Governments are such that the refusal of your permission to adopt would be considered an act of hardness, still more when it would be considered an injury, the permission should be given; but otherwise not unless as a reward merited either by special services or by general fidelity and good conduct, and especially by a good administration of the jagheer. It is your duty, we may add, not to violate any express or constructive right, nor to defeat any just expectation......" These extracts will give a fair idea of the general principles which were supposed to guide the action of the Government.

2. Now Sir Bartle Frere, K.C.B., Governor of Bombay: *v.* Sattara Papers 1849, p. 120.

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who was then Resident at Sattara,—not to come to a final dicision as to the right of the last Rajah's adopted son to succeed to the throne, until he, as well as the other claimants, had been "allowed an opportunity of stating the precise grounds on which they claimed to be heirs,"—the iniquitous annexation of Sattara could never have taken place ; no fresh brand-new precedent—in default of an old one—for the confiscation of Jhansi and Berar woutd have been fabricated ; and the conspiracies of Poona, Sattara, Kolapore, and Nagpore, and the agitation of the Southern Mahratta country in 1857, would never have placed our Empire on the very verge of destruction.

The position of the British Government as the *de facto* paramount power, and the stipulations of treaties restricting the external action of the native States, undoubtedly impose upon it Imperial duties and responsibilities. And I am very far from deprecating the public avowal of these Imperial duties. On the contrary it appears to me that much difficulty and misunderstanding have arisen from our imperfectly defined and asserted supremacy. The disappearance of the Company, and the assumption of direct rule by the Queen, have rendered an open and distinct declaration of Imperial power still more advisable and more feasible than before ; and I trust that the first suitable opportunity will be taken to make such a declaration to all India. But whether the Queen's supremacy remains as at present tacitly assumed, or is formally avowed and acknowledged, it must be exercised to control, to protect and to instruct, but not to confiscate, to disinherit, or to destroy.

LETTER VI.

SATTARA

Madras, *April* 1863.

A HIGHLY laudatory article in the *Edinburgh Review* for January, on Lord Dalhousie's administration of India, compels me to recur to that unpleasant subject, the right of an adopted son to succeed to a Hindu principality. Associated, as this question is, with many painful and humiliating convictions of political ingratitude and iniquity recorded against our Government, and, still worse, with too many instances of the spoliation of private property, the subject is indeed unwelcome and repulsive. But until its true bearings are clearly understood and accepted by the English press and public, I shall never allow an erroneous statement of facts, or of doctrine, to pass unchallenged and unrefuted. It is not my fault, if I am compelled to a certain extent to combine, in one enquiry, the consideration of two perfectly distinct questions,—the succession to sovereignties and the succession to private estates.[1] These questions ought undoubtedly to have been always kept separate. But Lord Dalhousie, his Indian advisers, and his English supporters.

(1) [Ed.] Mr. Mountstuart Elphinstone who played such an important part in the last Maratha war and the subsequent settlement and to whom it was suggested to refer the question of annexation, was shocked at the news of the annexation of Satara. Sir T. E. Colebrooke, his biographer, thus writes :—"I do not remember ever to have seen Mr. Elphinstone so shocked as he was at this proceeding. The treatment of the Sattara sovereignty as a jageer over which we had claims of feudal superiority, he regarded as a monstrous one." *Life of Mountstuart Elphinstone* (1884)—Vol. II—*p. 388*. Mr. Elphinstone made a clear distinction between feudal claims of escheat operative on jaghirs and other grants and the rights of the paramount power over sovereign states which had treaty relations with the former.

having first streched the Sovereign's prerogative of receiving homage and granting investiture, in the case of feudatory chiefs, jagheerdars, and holders of Inam estates, far beyond its true limits, then proceeded to apply this preposterously exaggerated prerogative to the case of Sovereign Princes, with whom our relations were strictly defined by treaty. And thus a very simple question has become confused with false analogies, and overlaid with false analogies, and overlaid with false illustrations.

The *Times of India*[1] in which this letter appeared, may claim, in common with one or two of its Indian contemporaries, the credit of having largely contributed to establish that altered tone of thought and political principle throughout the press and the official correspondence of India, which in the fulness of time found its positive expression in Lord Canning's Adoption despatch. I do not at present apprehend much difference of opinion to exist in the Indian press, either on the general question of annexation, or on this particular topic of succession by adoption. Even the *Friend of India* feels that the atmosphere has changed; that its old standing dish of spoliation will not go down now either raw or plain, but requires a highly spiced sauce, in the shape of a "Mecca pastoral," or a bouncing *canard* from Hyderabad,[1] to make it palatable and presentable, even to the *Friend's* own circle at Calcutta. There is perhaps not a news-paper published in India, that would at this time venture to reproduce

(1) [Ed.] We read, in p. 291 of Captain Hastings Fraser's *Our Faithful Ally the Nizam*, (1865), that in May 1858, the Supreme Government forwarded to Colonel Davidson, the Resident, an extract from a deposition made to the Judicial Commissioner of Mysore by a prisoner who was suspected of being implicated in the rebellion, "desiring that inquiries might be instituted in order to test the truth of the statement that the Nizam was not entirely innocent of rebellious intentions." Colonel Davidson replied that he was inclined to think that the deponent had made use of the Nizam's name merely to give consequence to his statement, adding that "he had caused the Nizam to be narrowly watched from quarters and in ways he little suspected, and although emissaries had come to him, he had, after listening to their stories, refused complicity in any movement against the British Government."

There were indications of attempts made at Hyderabad to incite the soldiery to mutiny (See Hastings Fraser—*pp.* 286-7).

the "ruling sanction" in that hideous shape of "ruling disfranchisement," which it was uniformly made to assume during Lord Dalhousie's eventful reign.

But I can feel no eonfidence in the permanence of the present impression. I am afraid that it is founded much more on apathy than on sympathy, and that a decided change in the political wind, either in London or at Calcutta, would go very far to dissipate it. The adoption despatches of Lord Canning and Sir Charles Wood, followed by special letters from the Viceroy to nearly every Prince and Chieftain of India, were indeed received with acquiescence even among the old advocates of annexation.[1] They have not hitherto been directly assailed, partly from a feeling very prevalent towards the close of the rebellion, that the native Princes had not, on the whole, been fairly appreciated or well treated, that they had behaved well in our difficulties, and deserved some boon at our hands; and partly, but I believe to a very small extent, from altered views, and from a suspicion that the prerogative claimed by us was really not sustainable in argument, or deducible from recorded facts. The Adoption despatch itself tacitly acknowleged that the imaginary precedents for ignoring adoptions could not be found, did not in fact exist. Every one was willing to drop the dispute for the time; no one was inclined to pursue it to a conclusion.

The article in the *Edinburgh Review* goes much farther than anything I have seen since 1857; and its conclusions are eminently calculated to rejoice the heart and revive the hopes of the *Friend*. And yet the reviewer is evidently but scantily acquainted with the controvereted portion of his theme. He does not once allude to any one of the writers who have attacked and exposed Lord Dalhousie's acquisitive proceedings; he seems never to have

(1) J. M. Ludlow, in his *Thoughts on the Policy of the Crown towards India*, says that the conciliatory attitude was received in a hostile spirit by the Services and notes "the contrast between their passive, and not always passive, resistance" to the new policy "and its enthusiastic welcome by the natives."

travelled out of the Blue Books, and generally puts forward his apologetic pleas and explanations in the language of Lord Dalhousie's own Minutes, every word of which is quietly assumed to be both logical and veracious. Thus the annexation of Nagpore is described, in his Lordship's own words, as "a simple lapse for want of an heir either natural or adopted." The name of Rajah Janojee Bhonsla, and the news of his partial recognition by Lord Canning, have apparently not yet penetrated to the latitude of Paternoster Row. Lord Canning's Adoption despatch is not mentioned. The absolute power of the "paramount power" in India, to prevent a succession by adoption, is taken for granted. The exercise of that supposed right in the cases of Sattara and Jhansi is upheld as wise, prudent, and beneficent. The existence of a deliberate and systematic policy of annexation during Lord Dalhousie's administration is denied; but such a policy is indirectly commended, and by no means deprecated for the future.[1] The article is neither powerfully nor pleasingly written; there is little attempt at research or argument; no new information is given; but from its unimpassioned, apparently candid, and moderate tone, and from the high character of the *Edinburgh Review*, it might do serious mischief, if allowed to circulate for any time without a contradiction. I shall therefore offer a few remarks on the general question, and on the particular case of Sattara, which the reviewer, though still confining himself to the Blue Book, notices at some length.

A variety of circumstances combine to render the annexation of Sattara an extremely interesting and important case—the case of all others most suitable for the purposes of example and

(1) [Ed.] Lord Dalhousie is believed by Mr. Dickinson, Mr. Ludlow and other writers to have had the full support of the Home Government in his annexation policy. That policy was discussed at a meeting of the leaders of the Whig party at Bowood and decided upon, before ever Lord Dalhousie went to India. The Whigs were committed as a party to the policy of annexation. The Queen's Proclamation of 1858, based on Lord Stanley's advice, was a new policy of the Derby Cabinet, opposed to that of their predecessors, the Whigs; but the younger members of the Whig Party such as Mr. Gladstone, Mr. Cardwell, Mr. Villiers, Mr. Milner Gibson, and Lord de Grey and Ripon had no sympathy for that policy.

illustration, and the least open to exception by opponents. In the first place, it is a case that can be discussed without bitterness of feeling, or personal accusation against Lord Dalhousie, for I at once admit that he was less to blame in this particular instance than in any of the subsequent annexations. It did not fall to him to take the initiative when the question came before him, it was already prejudged by men of long official experience and high position, whose knowledge of Indian politics and history was naturally presumed to be most accurate and profound.[1] Their confident allegations fell in exactly with the young Governor-General's ambitious predilections; and taking their conclusions as to the Hindoo Prince's rights and the British prerogative, to be incontrovertible, he contented himself with arguing for the general expediency of absorbing the minor states whenever a fair opportunity presented itself. Mr. J. P. Willoughby,[2] then a member of Council at Bombay, now one of Sir Charles Wood's advisers in the Indian Council, was the real parent of Annexation; Lord Dalhousie was only its nursing father. Beneath his fostering care the Monster grew to such giant proportions, and wrought such fearful havoc that the world has quite lost sight of the true original Frankenstein, who probably is now by no means anxious to claim the credit of his handiwork. I shall endeavour to do him justice.

The annexation of Sattara was a critical measure; it marks an epoch in our Indian policy. Colaba having been undeniably a petty feudatory State, over which our Government had

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(1) [Ed.] Men like Frere the Resident, Sir George Clerk the Governor, Viscount Falkland his successor, the members of the Bombay Council, Sir John Hobhouse the President of the Board of Control and others had all exhaustively minuted on the question.

(2) Mr. Willoughby was a member of the Secret Commission appointed to report on the charges brought against the deposed Raja of Satara, Pratap Singh, who was exiled to Benares in 1839, particularly on the charge of attempting to corrupt two native officers of the British army. He became the Chief Secretary to the Bombay Government in 1835 and was a member of the Bombay Council from 1846 to 1851. He was subsequently a member of the Council of India (1858–66).

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expressly retained the right of investiture,[1] the case of Sattara was the first in which we claimed to limit and restrain the Hindoo law of inheritance, when an adoption had been made by a Sovereign who had always been treated by us with great form and ceremonial as a royal personage, and with whom, "his heirs and successors", we had concluded a treaty of "perpetual friendship and alliance."[2] Without this precedent, the annexation of Nagpore could never have taken place.

I would say of the Rajah of Sattara, as I have just said of the Nawab of the Carnatic, that, if no such potentate had existed, we ought to have invented him. But those bulwarks of political stability and social order, a popular line of Princes, and a territorial nobility, cannot always be invented, or made at a moment's notice, or even revived, although they may have been very easily destroyed. We may yet feel the want of them in many parts of India where they formerly did us good service.

If the Rajah of Sattara had cost the Imperial Government the full amount of his personal expenditure, the money would have been well laid out. But he, in fact, cost us nothing. The small force usually stationed at Sattara could safely have been withdrawn at any time, if required elsewhere, while the Rajah would still have been responsible for the peace of his country. The province of Sattara, since the annexation, has never paid its own expenses. The Rajah was also bound by treaty to furnish a small but useful body of Irregular Cavalry, on our requisition,

(1) [Ed.] According to Article 4 of the treaty with Raghuji Angria of Colaba, June 1822, the British Government reserved to itself "entire supremacy over the Colaba State and the right of conferring investiture on the chief of Colaba on any vacancy of the musnud." Mr. H. St. George Tucker, wrote, from his place on the Board of Directors in 1841, that the right of adoption still existed and the widow of Raghuji, Angria possessed under the authority of that Prince, the right to adopt and "still possesses the rights unimpaired". (*Memorials of Indian Government*—pp. 258-9.)

(2) [Ed.] When Pratap Singh was deposed and Appa Sahib, his brother, was raised to the throne, the old treaty of 1919 was confirmed *verbatim* towards him and his heirs, with a new preamble by which it was notified that the British Government "had no views of advantage or aggrandizement."

in time of war. But the value of any material aid in men or money that the Rajah of Sattara, or any other native Sovereign could afford us in time of war or rebellion, would have been as nothing when compared with the moral support of his faithful adherence.[1] It was the example and demeanour of the Rajah of Puttiala, the leading Sikh chief, that deterred the other Princes on the Punjaub frontier, and the Sikh troops and people, from joining in the revolt at the most dangerous crisis, and kept them steady in their allegiance and duty. Had the signal been given by an influential chieftain, not all Sir John Lawrence's exertions, nor even the 12,000 British soldiers he had in the Punjaub at the outbreak of the mutinies, could have prevented that tremendous accession to the ranks of the rebellion.

The Rajah of Sattara, though endowed with only a small territory, (which might have been extended with great advantage to us,) and though not of such a pure and ancient lineage as the Rajput Princes, was yet regarded throughout India not only as the most illustrious of the Mahratta Rajahs, but as the pre-eminently the Hindoo of the Hindoos, the representative of that mighty warrior Sivajee, who avenged seven hundred years of national degradation, humbled the Mogul Emperor, restored the splendour and publicity of Hindoo worship, and founded a great Hindoo confederation on the ruins of

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(1) [Ed.]. Even Captain Grant-Duff had to admit that, when full ruling powers were formally handed over to Pratap Singh on the 5th April 1822, " the boon thus conferred by the British nation on the descendant of Sivajee was certainly appreciated by the country generally, as well as by his relatives and himself...." *History of the Mahrattas* (4th Ed.) Vol. II. Ch. XXVII—p. 612 (note.)

In order to reconcile the Mahrattah people to the downfall of the Peishwa, Sir Thomas Munro went to the length of proposing, even in 1818, that " the British Government should receive the investiture of the office of Peishwa *according to custom* from the Rajah of Satara." The Company would thus hold an office which would be like the Diwani of Bengal and would reconcile the Jaghirdars to the change of masters. Gleig's *Life of Sir Thomas Munro*—Vol. III—Letter to Elphinstone, dated 23rd April, 1818.

Mahomedan supremacy.[1] The good will and manifest subordination of this peculiarly popular Sovereign, secured to us by the wise policy of Mountstuart Elphinstone and Lord Hastings,[2] ought to have been considered as forming a natural and essential element in the Imperial system, and would have been of inestimable value during the dangers and difficulties of 1857. The re-establishment of the dignity of the Peishwas,—the faithless officials who had for several generations usurped their master's authority, and from whose custody the last Rajah had been rescued by a British army,—would have been even more threatening to the Rajah of Sattara than to the British Govern-

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(1) [Ed.] Sivaji taught the modern Hindus to "rise to the full stature of their growth;" and he showed that "the tree of Hinduism is not really dead, that it can rise from beneath the seemingly crushing load of centuries of political bondage, exclusion from the administration and legal repression; it can put forth new leaves and branches; it can again lift up its head to the skies." (J. N. Sarkar—*Shivaji and His Times* (1919)—pp. 498-99.)

It is gratifying that Major Bell understood Sivaji's work in its true proportions a a time when only very few had recognised that he was more than a rebel chief and was a great general and a greater statesman.

(2) "The re-establishment of the Satara Raja, in the very seat of the ancient power and splendour of his race, was well adapted to reconcile the old Mahratta families to the annihilation of the more recent title and authority of Peishwa. It had the further effect of rendering the cause of Bajee Rao (Peishwa) rather a personal than a national one; more especially as the Commissioner's (Elphinstone's) manifesto contained the promise to all who might submit within two month's of its date (12th February, 1818), of enjoying in perpetuity under British guarantee, whatever lands they might at the time be possessed of." H. T. Prinsep's *History of the Political and Military Transactions in India during the Administration of the Marquess of Hastings*, 1813-23—(1825)—Vol. II—p. 178. The English, after their capture of Satara (11th February, 1818) hoisted the flag of Sivaji over the ramparts of his ancient capital; and Elphinstone published the above-noticed manifesto on this occasion to the Maratha nation, declaring it to be the intention of the British Government to restore the Satara family to an independent sovereignty.

Major B. D. Basu, in his *Story of Satara* (pp. 8-9), says that "from the very language in which Elphinstone couched his proclamation of February 11, 1818, in which it was stated that the Raja would be relieved from the Peishwa's captivity and placed at the head of an independent sovereignty, it is evident that he had been intriguing with the Raja who was at that time in the camp of Baji Rao."

ment[1]; and such a proclamation as would necessarily have been issued by a reigning Rajah of Sattara under our guidance, would have made a pretender like the Nana powerless and ridiculous, and would have retained the adherence of Scindia, Holkar, and the other ancient Mahratta feudatories, in a state of obedience to their rulers, and of cheerful reliance on the wisdom and power of the Company Bahadoor.

But as a direct consequence of Lord Dalhousie's contempt for such remote considerations, and of the flagrant repudiation of all our pledges of protection and fair dealing evinced by the annexations of the friendly and well-governed states of Sattara, Jhansi and Nagpore, the minor chieftains and military classes of Gwalior and Indore, Kolapore, and the Southern Mahratta country, were thoroughly roused, alarmed and exasperated, and believing from the moral deterioration of our rule,—for such was the prevailing superstition,—that it was drawing to its destined

(1) [Ed.] General Smith who in 1818 defeated the Peishwa's forces at Ashti and captured the Raja of Sattara and his family, is said to have promised that he would never surrender the latter into the hands of Baji Rao who was an insurgent and that the kingdom would never be ceded to any other than the Raja. The Raja was apprehensive that Baji Rao would try every means to negotiate a treaty and require his (Raja's) surrender; and he demanded, as one of the conditions of his joining the English, that he should never be given into the Peishwa's possession. (Para 20 of the Historical Sketch of Balla Sahib Chitnis, translated by Dr. J. Milne and published in Appendix A of B. D. Basu's *Story of Satara*.) This sketch shows that a secret understanding existed between the Raja and Mr. Elphinstone that the former should be restored to the whole of the dominions possessed by his ancestors.

Baji Rao Peishwa had kept Pratap Singh a close prisoner and had given orders that the Raja and his family should be put to death rather than be allowed to fall into the hands of the British. In the proclamation issued by Mr. Elphinstone on the 11th February 1818, he had declared the intention of the English power of placing the Raja of Satara at the head of a separate state of sufficient extent and dignity. The Raja was rescued from the Peishwa's hands after the battle of Ashti on the 20th February 1819; and a treaty was made with him defining the limits of his state and the conditions on which he was to hold it, on the 25th September 1819.

Sir Thomas Munro, writing to Mr. Elphinstone (Gleig's *Life of Munro*, Vol. III; p. 237), declared that the Jaghirdars evinced a great aversion to being summoned as the immediate servants of the British Government, but would not be averse to coming under the Raja of Satara; he wrote also that "he was anxious to hear that the ceremony of placing the Rajah of Sattara on the Musnud has been performed, because it would probably hasten the termination of hostilities and the settlement of the country" (Letter to Elphinstone, dated 29th March, 1818).

close, they were prepared for some great change, welcomed the bloody scenes of 1857, and prepared to take part in our destruction. The Sovereigns themselves, and their immediate families and ministers, having larger views, greater interests at stake, and better means of information, attempted with but partial success to stem the tide; but the universal feeling was against us.

Rajah Appah Saheb, the younger of the two brothers whom we released from the Peishwa's power after the battle of Ashtee, died on the 5th April 1848, aged 46, having on his death-bed adopted as his son and successor a youth of the Bhonsla family, lineally descended from the great Sivajee's uncle. [1] Of the

(1) [Ed.] The adoption was made during his last illness; and the ceremony was witnessed by Dr. Murray, the Civil Surgeon, who gave a graphical account of the whole event. The Resident, Mr. Frere, was away from Satara at the time; and he was of the opinion that the adoption should be confirmed by the Government. (Memorandum of Dr. Murray, published in the *Parliamentary Papers relating to Satara*, 1849).

Raja Pratap Singh, the exiled ruler living at Benares, died also childless in 1848. He also duly and formally adopted a son; and the language of his will, which is quoted below "implies much doubt as to the recovery" of his rights, but none of his adopted son's title to succeed to them. The will ran thus:—

"Having no sons by either of my wives, I have adopted, according to the custom practised in our Hindoo religion, as my son and heir, Trimbukjee Rajey Sisoday Bhoslay, the son of my kinsman, Bulwant Rao Rajey Sisoday Bhoslay. This adoption has been acqueisced in by his mother, Gunawautabai, to whom the choice of adopting another son in his place has been given. It is my wish that on my death, he, Trimbukjee Rajey Sisoday Bhoslay, may succeed me in my right to my kingdom, throne, property (public and private), titles and in everything appertaining to my rank, station and person."

"Hereafter, if I may have any son or sons by my surviving wife, he, my own son, shall be my lawful and principal heir, according to the provisions in this will or testament in all respects; and my will is that my adopted son......may live under and assist my own said son according to our brotherly custom and that my said own son, agreeably to our forefathers' rules and regulations, may be a protector to my aforesaid adopted son, as his legal brother. If I may never have any sons by my wife, my said adopted son...is to be my lawful and legal heir as aforesaid...."

Done at Benares, 10th October 1845.

(Signed) Rajah Serka Hustakhu Khud Pertaub Shean
Maharajah Chattraputtee.

(Translation of a *yad*, memorandum or paper, written by the Rajah)
This was communicated through Major Carpenter to the Government of India.

regularity and propriety of the adoption, according to Hindoo law and Mahratta custom, there never was any question.[1]

The majority of the Bombay Council, and of the Supreme Government, rejected this successor, on the ground that no one but a lineal descendant of one of the two last reigning Rajahs, with whom we had concluded treaties, had any right to succeed without our express permission.

The *Edinburgh Reviewer* hardly does justice to the personal weight and ability of the official opponents by whom the new doctrines of annexation were resisted in India and in the Court of Directors, when he summarises the course of the discussion in the following perfunctory style :—" Sir George Clerk, who was then Governor of Bombay, alone of all the authorities in India was in favour of allowing the succession of the child. He admitted that the adoption required our sanction. He admitted that no uniform rule of practice required us to give it. But he held that the 'treaty' securing the principality to 'heirs and successors,' included heirs by adoption as well as heirs by birth. " (p. 18.)" In these views the Governor of Bombay [2] could not carry his Council with him. On the main point his arguments were conclusively answered in an able paper by Mr. Willoughby.

(1) [Ed.] Mr. (afterwards Sir) Bartle Frere, Resident at Satara at the time, wrote that no collateral relative of the family "would think his claim sufficiently strong to be put in competition with that of an adopted son of either the late Rajah (Pratap Singh) or his brother (Appa Sahib) because all other relations, who might otherwise be claimants, believe both adoptions to be regular. But there are many who might have asserted their claim, had no adoption taken place, and who may possibly assert it now, should they hear that both adoptions are invalidated; and any of them as far as I can judge of the facts of the case before me, would, were other competitors...out of the field, be able to establish a very good *prima facie* claiming any court of justice in India to be the Rajah's heir by blood, as against the British Government, in its character of heir to all who die leaving no natural heirs of their own which appears to me the only character in which our Government can, consistently with the treaty, lay claim to the Sattara state"—*pp.* 114-5 of Arnold's *Dalhousie's Administration of British India* Vol. II.)

(2) [Ed.] Sir George Clerk, the then Governor of Bombay, was of the opinion that the Government must confirm the adoption that was made by Rajah Appa Sahib, immediately before his death, of a son from the cognate house of Shedgaon and allow the adopted boy to succeed to the principality.

The new Governor who succeeded when the question was still pending—Lord Falkland—adopted, after full consideration, the opinion of the Council; and the Governor-General, in a Minute marked by all his vigour and ability, gave his voice against the continuance of the principality,[1] both on the ground of right and on the ground of policy. The Court of Directors,[2] by a large majority representing the weight of opinion not less than the weight of numbers, adopted the view of the Governor-General."

I cannot agree with the reviewer's estimate of the majority in the Court of Directors: the names of Messrs. Henry St. George Tucker, John Shepherd, William Leslie Melville, Major Oliphant and General Caulfied,[3] all of whom recorded written

(1) [Ed.] The Governor-General thus minuted on the subject:—"The words 'heirs and successors' must be read in their ordinary sense in which they are employed in other treaties between states. And in the absence of all evidence or reasonable presumption, founded on known facts, or on some wording of the English instrument in favour of a wider interpretation, those words cannot be construed to secure to the Rajahs of Sattara any other than the succession of heirs natural, or to grant to them the right of adopting successors to the Rajah without that sanction of the *sovereign state*, which may be given or may be withheld, and which, by ordinary and invariable practice, is necessary to the validity of such an adoption by the prince."

(2) [Ed.] The Court of Directors wavered, before they decided to confirm the Governor-General's recommendation. They at last wrote to him:—"The result of our deliberation is that, concurring with you in opinion, we are fully satisfied that, by the general law and custom of India, a dependent principality like that of Sattara, cannot pass to an adopted heir without the consent of the *paramount power*; that we are under no pledge, direct or constructive, to give such consent, and that the general interests committed to our charge are best consulted by withholding it. The pretensions set up in favour of the adopted son of the ex-rajah (Pratap Singh) being wholly untenable, and all claims of collaterals being excluded by the fact that none of them are descended from the person in whose favour the principality was created, the ex-Rajah Pertaub Shean, it follows that the territory of Sattara has lapsed by *failure of heirs* to the power which bestowed it, and we desire that it be annexed to the British Dominions."

(3) [Ed.] The venerable St. George Tucker was in the service of the Indian Government from 1786 to 1815 and was a Director from 1826 till his death in 1851; he was twice Chairman of the Court of Directors, in 1834 and in 1847. He held, in his minute on the annexation of Colaba, that the right of adoption existed in all cases of Hindu succession and that no Hindu could be prevented from raising up an heir by means of adoption; and "the native princes and chiefs will see in the fate of Colaba their own destiny." He denounced the dethronement of Pratap Singh "as premature, uncalled for, impolitic and unjust; and as contrary to law, because done without the sanction of the home authorities."

Mr. John Shepherd vigorously protested against the spoliation of Pratap Singh; Major Oliphant was likewise against the deposition of Pratap Singh. Four Directors formed the dissenting minority, protesting against the Directors' despatch of April 1, 1840, sanctioning and commending the dethronement of the Raja.

dissents against the annexation, appear to me to outweigh in authority and distinction the name of Mr. Ross Donnelly Mangles[1] —the only Director who gave his reasons in writing,—as clearly and as brilliantly as their arguments outshine his sophisms and dispel his forced illustrations. But the entire effect of the article is produced by a series of these rhetorical assumptions. The general tenor and effect of Sir George Clerk's Minute is by no means adequately or accurately conveyed in the reviewer's summary. Sir George Clerk did indeed admit "that the adoption required our sanction,"—"by custom,"—but the reviewer omits to mention that he immediately asks the question, "can we without injustice, exercise that right of sanction to the extent of prohibiting adoption?" [2] This question, after an able argument, he answers in the negative, on grounds both of justice and expediency.[3]

All these and Major Oliphant and others like Mr. George Thompson, a doughty champion of the ex-Raja's cause, protested against the annexation and in favour of an adoption being recognised. Mr. John Sullivan thus wrote: "We have an interest in denying to one Rajah of Sattara the inheritance which he claims from us, and to another, the private property which we confiscated. And not long ago, the interest which we have in deciding such questions in our own favour, was manifested in a manner that was anything but creditable. When a majority of the Directors—seeing from the impression that the strong protests of some of their colleagues had made, that a vote was likely to pass in the Court of Proprietors, repudiating the annexation of Sattara—called for a ballot; and the question was accordingly decided, according to their wishes, by the votes of some hundreds of ladies and gentlemen, who knew no more of its merits, than they did of a *terra incognita*" (*Remarks on the Affairs of India, 1852*).

(1) [Ed.] He was serving in India from 1820 to 1839, and retired as Secretary to the Government of Bengal; he was M. P. for Guildford, 1841–58, Director of the Company and Chairman of the Court in 1857, as well as one of the original members of the India Council.

(2) Annexation of Sattara 1849, *p*. 62.

(3) [Ed.] Sir George Clerk was convinced that the British Government had no right whatever to Satara, as it had been ceded in perpetuity to the Rajah and his heirs and successors that the kingdom belonged to his heirs and that Mr. Frere, the Political Agent, had sent a declaration that there were people who would be able and were ready to establish their rights as heirs under the treaty before any court of justice. He urged that these claimants might be heard and that Government might refer to Mr. Elphinstone who had made the treaty (of 1819) and to Captain Grant-Duff who had been engaged officially to explain it to the first Rajah, for information as to the meaning of the terms used in it, if any doubt could be entertained of their meaning. "But to me" said Sir George Clerk, "they appear to be remarkably distinct and perspicuous." *Vide* pp. 19–20 of J. Sullivan's *Are We Bound by Our Treaties? A Plea for the Princes of India*. (1853)

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The fact is, that the reviewer, following the Minutes of Lord Dalhousie and his advisers, succumbs to that enormous fallacy, which is perhaps most concisely stated in the words of Mr. Lestock Reid, who was then a member of the Bombay Council,—"A right to grant implies a right to withhold such sanction."[1]

The whole transaction was made to depend on this fallacious dogma, strengthened by our own false precedent of Colaba. The reviewer does not quote the following very explicit statement from Sir George Clerk's Minute:—"To judge from the expression of 'perpetual friendship' to a man, 'his heirs and successors,' these ordinarily would seem to mean a sovereignty which should not lapse for want of heirs, so long as there is any one who can succeed, according to the usages of the people to whom the treaty refers. The lad now adopted by the Rajah is such a successor."[2] Having thus lightly skipped over Sir George Clerk's weighty opposition, the reviewer relieves himself from dealing directly with his arguments by observing that they "were conclusively answered in an able paper by Mr. Willoughby."

Lord Falkland, the "next authority" referred to by the reviewer, succeeded Sir George Clerk as Governor a few days after the latter had recorded his views on the subject, and we know from the revelations arising from the Baroda *Khutput*[3] scandals that his Lordship's Minutes were usually written by the Chief Secretary, or one of his Assistants.[4] I cannot therefore, consider Lord Falkland's paper as a distinct and independent expression of opinion. It emanated from the secretariat, of

(1) Ditto 1849 p. 65.

(2) Annexation of Sattara, p. 62, § 7 of the Minute.

(3) [Ed.] A slang term prevalent in Western India for intrigue and corruption, the term literally meaning 'wrangling.' Sir James Outram struggled with this rascality at the Baroda court, during his term as Resident at Baroda (1850-54); see pp. 67 *et seq.* of F. J. Goldsmid's *James Outram, a Biography*: Vol. II. Ch. III.

(4) Letter to the *Daily News*, by L. R. Reid, Esq., (Smith, Elder & Co., 1853) p. 5. See also the Parliamentary Papers, Baroda, 1852, p. 1115.

which Mr. Willoughby had so long been the presiding genius, and over which he still exercised a complete influence and control, and it is obviously and almost avowedly a mere paraphrase and echo of that gentleman's very able Minute.[1]

We now come to Lord Dalhousie's Minute; and notwithstanding the reviewer's admiration of its "vigour and ability," we may look in vain for any evidence of research or inquiry, or even of thought, on a subject so worthy of careful consideration. Lord Dalhousie, like Lord Falkland, trusts implicitly to Mr. Willoughby, appeals to his "demonstration," adopts his conclusion, and reiterates with undoubted vigour his assertion of paramount prerogative. But he does not think it necessary, any more than Mr. Willoughby, to explain why not a single precedent can be produced for the exercise of that right of the extinction of sovereignties which, according to him, "appears to have ever been the practice throughout all the states of India."[2] How it can "appear" to have been the practice, without a single instance of the practice appearing in the history or in the political records of India, it still remains for some admirer of Lord Dalhousie to teach us. We are thus left face to face with Mr. Willoughby. Lord Falkland, Lord Dalhousie, the Court of Directors, and the *Edinburgh Reviewer*, all refer us to that gentleman for the arguments on their side. If, therefore, I can effectually refute those arguments, my task will be completely accomplished.

(1) Annexation of Sattara, 1849, p. 81. *Additional Note.* [Ed.] The Governor-General, in his minute dated 30th August 1848, on the question of the Satara succession, thus thinks of Mr. Willoughby's minute on the subject which was before him along with the minutes of Sir George Clerk and Mr. Reid, the other member of the Bombay Council, as well as that of Viscount Falkland, the successor of Sir George in the Governorship :—"But I think that Mr. Willoughby has proved to demonstration in his minute, that the boy has not, by reason of the ceremonial of adoption, acquired any right whatever to the sovereignty until the adoption has been ratified and confirmed by the British Government as the lord paramount of the state of Sattara; and further that the British Government is not bound, as a matter of justice and of right, to confirm the adoption, but is free to give or withhold its ratification as it may think right."

(2) Annexation of Sattara, 1849, p. 81.

The staple of Mr. Willoughby's argument, the major premise upon which he rests his whole cause, consists in an incessant réference to some precedent, or series of precedents, which he declares to have come down to the British Government from "the Governments which preceded us," "the universal and immemorial custom of India," "the imperial house of Delhi," and so forth. All this is very confidently and very positively urged, and had, as we have seen, a very convincing and comforting effect upon those great "authorities" of the *Edinburgh Review* who had made up their minds to annex already: but to any one who brings an unbiassed mind to bear upon the subject, Mr. Willoughby's Minute presents a most curious aspect. We find him persistently pointing out a precedent to us, which appears to recede as we advance. He assures us that he has hunted it out, and has got it, but he concludes and departs, without having either displayed its beauties, or declared its qualities, or even told us its name.

"A more important question," says Mr. Willoughby, "than that of the continuance or extinction of the Sattara State has not arisen since I became a member of this Government. It does not affect that State exclusively, but raises the general question of what is the general policy to be pursued towards any other native State of India under similar circumstances. In other words, it raises the question, whether on failure of heirs natural it is expedient to absorb them in the general sovereignty of the Anglo-Indian Empire, or to continue them by the Hindoo custom of adoption."

It appears somewhat ominous and threatening that at the very opening of his Minute, and before he has alluded to the possibility of there being any claim of right involved, Mr. Willoughby proposes to treat the question as one of expediency. However, on the whole, the temper and spirit in which he professes to enter on the discussion are quite unobjectionable. "A question of this grave and comprehensive character can only

be determined after much study and research, and the most dispassionate consideration, and with a full knowledge of the prerogatives vested in the Governments we have succeeded."[1]

All this is very fair and proper; nothing can be more reasonable and equitable than Mr. Willoughby's declared intentions. But I am compelled to ask, after carefully perusing his Minute, where is there any sign or symptom of "the study and research" which he admits ought to have been employed in discussing this very important case? He asserts in various passages that it is our "undoubted prerogative to refuse to recognise heirs by adoption;" he says that "the imperial house of Delhi would have exercised this prerogative in the days of its vigour;" but not a particle or a vestige of documentary evidence of this prerogative, not a historical fact bearing upon it, not a single precedent can be adduced from the records of any one of "the Governments that preceded us." The only precedent he produces is that of Colaba, which was one of our own creation, and had occurred just five years before the date of Mr. Willoughby's Minute. The fact is, that no other precedent could be found.

I endeavoured to prove in the last letter, that the "ruling sanction," even as applied to petty feudatories and hereditary zamindars, was not a right of forbidding or annulling or ignoring, but simply the right of regulating adoptions, asserting supremacy, and enforcing subordination; and that the right of investiture was not a right of refusing investiture. Even in the case of hereditary zamindars and inamdars, we have, therefore, never justly possessed the right of disallowing adoptions for our own purposes: even where we had retained or acquired the prerogative of investiture over minor principalities, we had no more right to forbid the succession of an adopted son than of a lineal male descendant.[1] But with respect to Hindoo Princes,

1. Annexation of Sattara, 1849, p. 67.

(1) [Ed.] 'In the *Inam Commission Unmasked*' we are told from Steele's *Summary of Hindoo Laws & Customs* that "Government cannot succeed while any relations, or persons connected by *gotra* with the deceased can be found" and that "an adoption concluded agreeably to the Shastras cannot be annulled."

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with whom we had contracted treaties of perpetual friendship and alliance, this new claim of mutilating and perverting their law of inheritance so as to corrupt the blood of all collaterals, of all cognates, and of all agnates, except the lineal made descendants of the first Prince who was induced to become our ally, rests upon no precedent whatever, and upon no analogy except the false analogy of Colaba,—which in 1848 was a very recent confiscation. This preposterous claim had its origin, and depends for its justification, entirely upon the bold and confident assertions of Mr. J. P. Willoughby, without a vestige of historical, legal, or documentary proof.

The following sentence from Mr. Willoughby's "very able Minute" contains what is perhaps at once the boldest, the most confident, and the most utterly unfounded of these momentous assertions:—

"No member of any of the branches of Sivajee's family can have any claim to the possessions held under the treaty of 1819, which in fact created the State, *and limited the succession to the descendants of the party* on whom it was gratuitously conferred."[1] Now, it is perfectly true that, without a duly solemnised adoption by the Rajah or his widow, no particular member of Sivajee's family could claim the succession; it is also quite true that the treaty of 1819 did "in fact create the State." The Rajah, though titular Suzerain of all the Mahrattas, had been a mere political puppet and prisoner, we had never had any connection or communication with his ancestors or with him, but had always dealt with the Peishwa as the real and recognised executive head of the Mahratta confederation. The dominions under the Peishwa's government were fairly conquered in a war which he commenced himself by an unprovoked and treacherous aggression; and while the Rajah of Sattara was established by the treaty of 1819 as the ruling Sovereign of a portion of those conquered dominions, the Governor-General, Lord Hastings, very judiciously thought

1. Sattara Papers, 1849, p. 121.

fit,—following the precedent and language of the treaty by which the central portion of Tippu's conquered territories was, under similiar circumstances, allotted to the Rajah of Mysore,—to employ such terms in that treaty as should be a perpetual bar to the revival of the Rajah's federal pretensions, a perpetual record of his obligations to the British Government. Certainly, I have no objection to admit that the State of Sattara was "created" by the treaty of 1819, or even to use Mr. Willoughby's other formula, and say that it was "gratuitously conferred." These studied phrases of covert disparagement can bring no aid to Mr. Willoughby's cause, unless indeed, he can quietly lead us to the strange conclusion that whatever has been "gratuitously conferred" can at any convenient opportunity be arbitrarily resumed by the donor. This would indeed be a new interpretation of the word "gratuitous." And yet from the general tenor of Mr. Willoughby's argument, he really seems to aim at such a conclusion, since he actually does claim for the British Government, notwithstanding the silence of the treaty, and on no grounds but these "creative" and "gratuitous" grounds, not only an implied right of investiture, but also a constructive right of confiscation.

Still Mr. Willoughby is not satisfied with the silence of the treaty. He does not feel sufficiently strong with his implied right of investiture, or with his constructive right of confiscation, or with his wonderful array of indefeasible and invisible precedents; he is not content with saying that the British Government, by the treaty of 1819, "created" the State of Sattara, and "gratuitously conferred" it upon the Rajah,—which I do not dispute,—but he must force the silent treaty to speak. And here I think he goes too far. He distinctly states in this same passage, which I have quoted at full length, that the treaty of 1819 "*limited the succession to the descendants*" of the other contracting party. This is not one of those statements of equivocal meaning in which Lord Dalhousie rejoiced; it is simply a mis-statement. In the treaty of 1819 there is not one

word of limitation.[1] Treaties have been made in more than one instance, as I have already pointed out, with a limitation to the descendants of the other contracting party[2]; but the treaty with the Raja of Sattara is not one of those treaties. It purports to be a treaty of "perpetual friendship and alliance" with the Rajah of Sattara, his heirs and successors and contains nothing whatever to restrain the operation of the ordinary law of inheritance. But Mr. Willoughby's groundless assertion to the contrary passed current at Calcutta.

Mr. Willoughby's decree of annexation having passed triumphantly through the Supreme Council, then came before the Court of Directors and the Board of Control in London. It was here unsuccessfully resisted, as already mentioned, by Messrs. H. St. George Tucker, W. L. Melville and J. Shepherd, General Caulfield and Major Oliphant.[3] Mr. R. D. Mangles replied to

(1) [Ed.] The very first article of the Treaty says that "the British Government agrees to cede in perpetual sovereignty to the Rajah of Satara, his heirs and successors, the districts specified in the annexed schedule." The next article stipulates that the Rajah "for himself, his heirs and successors" engages to hold the territory in subordinate co-operation with the British Government.

2. *ante*, p. 151.

(3) [Ed.] Elphinstone, writing to his biographer, Sir T. E. Colebrooke, under date May 13, 1849. on hearing of the annexation of Satara, said thus :—"I suppose the argument will be what you say, that the Raja was placed under so many restrictions that he could not be regarded as a sovereign, but must come under the rules applicable to dependants. But although such an argument might be used by foreign princes who chose to deny the Raja's sovereignty, it could not be urged by us who have solemnly acknowledged his *sovereignty* in the same treaty that enumerates the restrictions which are put upon the *exercise* of it. Even granting that he is dependent, it does not necessarily follow that his territory, on defect of heirs, is to escheat to the power on which he depends, or that that power has a right to regulate the succession to his possessions. To complete the argument it is necessary to prove that such has been the invariable practice of India and must have been understood by the parties to the treaty. To make out this proof, Mr. Willoughby and those who adopt his reasoning proceed to argue that *some* dependent chiefs are subject to this rule, and *therefore* the Raja is subject to this rule. They instance many enamdars, jageerdars etc.; but can they show any prince who had been acknowledged as a sovereign to whom the rule had been applied at the time of the treaty? Can they deny that there are now many sovereigns under limitations similar to those of the Raja, over whom such a right has never been used or pretended to?...The claims founded on general usage therefore fall to the ground"

"But we have claims founded on the treaty itself which deserve a separate consideration. By one article of the treaty the Raja is bound to be guided by our advice in all important measures. No measure can be more important than the adoption of a successor; and if the Raja adopted one in defiance of our remonstrances, or eluded our objections by a clandestine adoption, he would have broken the treaty and we should be entitled to inflict such punishment as his offence justified up to annul-

the written protests of the minority in a long paper "exhibiting" as he said, "in detail the grounds on which the annexation was approved;" and the majority of the Directors expressed their general concurrence in his remarks. There is very little new matter brought forward by Mr. Mangles; he reiterates Mr. Willoughby's version of the ruling sanction, extending, as the gentleman did, the right to be consulted and to regulate successions, into the right to disallow and ignore adoptions. But the utter impossibility, after the most audacious assertions, of producing a single precendent, or the semblance of a precedent, from the practice of any ancient or modern Government in India, receives its final confirmation from the ridiculous and solitary instance which Mr. Mangles offers as "a case in point."

"It will be remembered," says he, "that in the recent instance of Krishna Row, whose father by adoption had received a grant of a *nemnook*[1] from the Guicowar (the *sunnad* conferring

ling the treaty and taking back our cession. Nobody has asserted that such an infraction of the treaty has taken place in this business."

"Again, we have a claim to the reversion of the Raja's territory, not as an escheat, but on grounds arising from the nature of the treaty. We ceded the country to the Raja, his heirs and successors. When these are extinct the treaty is at an end, and things return to the state in which they were before it was concluded. The country, therefore, is once more at our disposal. I do not dispute Holt Mackenzie's opinion, that the interests and wishes of the inhabitants ought to be consulted in such a case; but their claims are founded on the general principles of justice and not upon this treaty. Our claim to the reversion, however, can only come into operation when the heirs and successors are really extinct; and this must be decided by the law and usage of the country, not by our arbitrary will."

Mr. Elphinstone thus concludes his remarkable letter, quoted above:—"The Court of Directors might give an easy answer to the calls for a reference to me and Grant-Duff. It is not the intention of the agents of one of the parties that ought to influence the decision, but the words of the treaty, which were read and approved of by the principals on both sides. The evidence of the ministerial agents could only be of use if they could disclose any new facts showing that both parties had agreed to some tacit reservation or had employed particular terms in a sense different from that usually put upon them."

(1) [Ed.] This Marathi term indicated 'a salary, stipend, allowance, pension or fixed payment in money or kind from a specified source, granted for past or present services, or as an equivalent for allowances formerly received; also appointment to an office or duty, (from S नियम, regulation, establishment) : [Wilson's *A Glossary of Judicial and Revenue Terms and of useful words occurring in official documents. relating to the Administration of British India* (1855). p. 375].

which was couched in quite as strong terms, as respects hereditary descent in perpetuity, as our agreement in 1819[1] with the Rajah of Sattara), although there has been great diversity of opinion, both in this country and in India, as to the manner in which the claim ought to be disposed of, the right of the Guicowar to put a limit to his own grant, by refusing to recognise the adoption continuing the family of the grantee, as far as succession to the *nemnook* is concerned, has been admitted by all."[2]

Mr. Mangles must have been in fearful straits for a precedent when he presented such an absurd case as this. He instinctively tries to gloss over the extravagance of this false analogy, by disguising the treaty under the vague and colourless appellation of an "agreement." The document granting an annuity to the

(1) [Ed.] According to Mr. Elphinstone, in many of the alliances contracted in the time of the Marquess of Hastings, "an alteration was made in the footing on which the contracting parties stood, by the native state engaging to acknowledge the supremacy of the British Government and these terms were introduced into treaties with some even of the principal states (those of the Rajpoot princes) but they do not appear to make any difference in the control of the British Government over successions. Their object was to secure the political supremacy of the British Government, not to assist in its feudal sovereignty, and to obtain the *subordinate co-operation* of the native prince as an ally, not his subjection as a vassal. The British Government was to be supreme in all transactions with foreign states; but all internal affairs were to be regulated as before, by the law and usage of the territory, free from any interference unless in a case, which might affect the foreign relations of the state or the general tranquillity of the country. "This, I conceive, was the general impression in India when I was in that country. There was no native state to which the recognition of its succession by the British Government was not of the highest importance; but none of them, I conceive, ever imagined that that Government had a right to regulate the succession as feudal lord, or had any pretensions to the territory as an escheat on the failure of heirs to the reigning family."

Mr. Elphinstone declared finally that this was his own conviction on a general view of the case and believed that it was the general opinion entertained in India at the time.—Letter to T. E. Colebrooke, dated February 18, 1850; this was written with a view to be shown to Government. Thus the highly authoritative opinion of the Commissioner who was instrumental in the creation of the Satara State was that the "heirs and successors" to whom the state was guaranteed by the treaty, should be construed according to the laws and usages of the country which permitted adopted sons to succeed; and that there was no desire then nor any aim at interference in internal matters which included the regulation of succession.

(2) Annexation of Sattara, 1849; p. 48.

family of a subject and servant, is compared by him with a treaty of "perpetual friendship and alliance" made with a Sovereign, "his heirs and successors." A *nemnook* is a hereditary pension in money, usually connected with some honorary or sinecure office. Mr. Mangles consequently argues that if a Government can abolish a sinecure office or stop a political stipend, it can also confiscate a great nobleman's estate, or annex a dependent principality. It is as if some Radical politician in England were to maintain, that as Parliament had abolished the offices of Deputy Chaff-wax and first Lord of the Powder Closet,[1] and had commuted the annual charge on the Post Office Revenue enjoyed by some noble family, it ought next to proceed to resume the Duke of Bedford's manors, and ultimately to annex the Kingdoms of Greece and Portugal.

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(1) [Ed.] Offices connected with the royal court.

LETTER VII.

NAGPORE

It is the unanimous testimony of all persons possessing local knowledge and experience, that at no native court in India was there so complete and cordial a recognition of British supremacy entertained and encouraged, as there was at the court of Nagpore, during the last few years of its political existence.. Rughojee Bhonsla the 3rd, Rajah of Nagpore, died on the 11th December 1853, at the age of 47, and after a few days' illness. The Banka Baee, widow of Rughojee the 2nd, a lady of great talents and energy, who had been regent during her grandson's minority, and who had for upwards of fifty years exercised a dominant influence both in domestic and public affairs, proposed that Yeshwunt Rao Aher Rao, commonly called Appa Sahib, the deceased Rajah's grand-nephew,[1] should at once be adopted as a son, but that no public ceremony, installation or procession should take place until the approval and sanction of the Governor-General had been obtained. The wishes of the Ranees were communicated to Mr. Mansel the Resident, who adhering to the standing instructions of his office, would neither forbid nor give any "special encouragement" to the proposal,[2] but distinctly said that he would not recognise an adoption in

(1) [Ed.] "His mother had given birth to the lad in the palace and his entrance into life had been welcomed by a royal salute. At all court ceremonials he had been previously seen seated by the Maharajah's side, surrounded by his own group of courtiers. And the same Yeshwunt Rao—the greatest argument of all in Hindoo eyes—took the son's place at the funeral pile of his royal great-uncle. Even had these signs not designated the lad as heir, he was heir-at-law in his own right; for the succession in Nagpore was Salic, in excluding females to the favour of collaterals." Arnold—*Administration of Dalhousie;* Vol. II; *pp.* 157-8.

(2) First Nagpore Blue Book, 1854, p. 56.

any manner, until the orders of the Supreme Government were received. The ceremonies of adoption were then duly performed in the Palace, and the funeral rites were celebrated by Appa Sahib, who subsequently received the name of Janojee Bhonsla. On the 28th January, 1854, little more than a month after the Rajah's decease, Lord Dalhousie recorded a Minute declaring that there was no heir or representative of the Bhonsla family, no claimant to the Musnud of Nagpore, and that the Sovereignty had "lapsed" to the paramount power. The Council, with the exception of General Low, concurred with the Governor-General, and the orders for annexation were at once issued and executed.

The unequivocal inherent rights of Appa Sahib, the natural, intended, and adopted heir to the musnud, were strangely underrated and overlooked after the Rajah's death, which can only be attributed to the inability of the Ranees to plead their own cause, and to their actual ignorance of what adverse case, what objections of fact or law, were set up against them. They indeed did not anticipate that any objections would be made: the annexation came upon them like a thunder-bolt. Lord Dalhousie, in paras 9, 17, and 27 of his Minute of the 28th January, 1854,[1] three times in the same terms, objects to "the gratuitous alienation of the State of Nagpore in favour of a Mahratta youth." In par. 28 of the same Minute,[2] his Lordship states "the simple question of determination is whether the sovereignty of Nagpore, which was bestowed as a gift on a Goojur in 1818, shall now be conferred upon somebody else, as a gift a second time".

In par. 14 of his Lordship's farewell Minute reviewing his administration, dated the 28th February, 1856, he states that

(1) First Nagpore Blue Book, 1854, pp. 28 26, 30.

(2) First Nagpore Blue Book, 1854, pp. 30.

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the sovereignty of Nagpore "was left without a claimant,"[1] and "the Britsh Government refused to bestow the territory in free gift upon a stranger." Neither in Lord Dalhousie's Minutes, nor in those of the Members of the Supreme Council, is there any serious discussion of Appa Sahib's claims; there is scarcely any allusion to his existence. It may not, therefore, be considered out of place, if I endeavour to supply former deficiencies and to elucidate his real position by birth and by adoption.

According to a family custom, applicable only to the lineal descendants of the Rajahs, his mother Myna Baee, the late Rajah's niece, and great-grand-daughter of Rughojee the 2nd, came to reside in the Palace a short time before her confinement, and was there delivered of a son on the 14th August, 1834.

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(1) [Ed.] Dalhousie wrote:—"No son had been born to his Highness; none was adopted by him; none, *as they have themselves admitted*, was adopted at the Rajah's death, by the Ranees, his widows." But Mr. Mansel, the Resident at Nagpur, in his demi-official letter, written a few hours after the Raja's death, on the 11th December, 1853, wrote:—"The immediate people of the court and officials of Government, of course desire adoption, but I have given no special encouragement to the wish." In his formal despatch, written three days later, after enumerating the claimants to the throne, he added:—"Yeshwunt Rao Aher Rao, son of Nana Aher Rao, and grandson of the late Rajah's sister, would decidedly be preferred by the mass of the courtiers to any other youth for the Musnud, whether given to him by adoption or by grant from the Company."

Lord Dalhousie knew, even when he recorded the minute of January 28, 1854, that an adoption was desired by the family of Bhonsle and that the Raja's elder grand-nephew would be decidedly preferred for adoption. Later, on April 14, 1854, Mr. Mansel wrote to the Governor-General that "the family of the late Rajah would prefer to retain the actual musnud in the hands of some heir selected by adoption. A month before the last date, the Rani Banka Bai had, in the first memorial directly addressed to the Governor-General, declared that she had made "many communications both in person and by agents to Mr. Mansel, the Resident, with respect to the treaties of friendship and alliance, whereupon that officer gave us, according to the powers vested in him by the honourable Company, every assurance of the realisation of our wish." When the letter of Government was read out to the Ranees by the Resident on March 14, 1854, declaring that, as there was no heir to succeed to the throne, Government had annexed the state, the Rani replied that she communicated to the Resident a second time through her officers all her sentiments, "whereupon he (the Resident) set my mind at ease by assuring me that he would, in the course of three months, procure me favourable orders from your Lordship." The three months passed; and on July 15, 1854, the Ranees were told by the Assistant Resident that they were to be pensioned. Banka Bai wrote her first direct protest to the Governor-General and concluded it by begging him "with reference to the ties of friendship subsisting from of old between the two Governments, to continue the *guddee* of this State in this family." It is after this that Dalhousie wrote in his minute on this first direct communication from the Ranis of "the marked absence of any allegation that an heir was appointed to the *guddee* of Nagpore" and that Banka Bai did not "so much as attempt to name or even to affirm the existence of any heir to the guddee."

On his birth being announced, a salute of twenty-one guns was fired in the public square of the palace, and a *feu de joie* was fired by the Rajah's Artillery and Infantry. And on the 25th of the same month the principal chiefs and ministers of the Court visited the Resident on the part of the Rajah, for the purpose of distributing sugar on the occasion.[1] At the birth of no other person now living in Nagpore were such honours paid, or such a communication made to the British Resident. This boy was brought up entirely as a child of the Palace, in which he much more usually resided than in his own father's house. Wherever he went, ten or twelve of the Mahratta and Mussulman Maunkurrees (hereditary officers of rank and family) were appointed to attend upon him, spearmen and other servants, horses and elephants from the Rajah's establishment, were detailed for his service and retinue. Directions regarding his education and companions were always given by the Rajah himself. As he grew older, he accompanied the Rajah on all his progresses through the country, and sat by his side on public occasions in durbar and on his visits to the Resident. The Rajah would not permit his marriage to take place, a ceremony which among the Nagpore Mahrattas is usually celebrated at a very early age, but the conclusion of which precludes subsequent adoption. In a few words, as year by year the prospects of the Rajah having legitimate off-spring appeared to diminish, all the family and followers of the Court became accustomed to look upon Appa Sahib as the destined successor to the musnud. But for Lord Dalhousie's extraordinary Minute of the 28th January, 1854, in which he stated that the musnud was left "without a claimant," in which he alluded to Appa Sahib as "a Mahratta youth," and finally as 'a stranger;" but for the fiat of the Honourable Company's Government,

(1) [Ed.] Sugar is sent to relatives and intimate friends by a Hindoo father when a son is born in his house. On this occasion it clearly signified the birth of an heir presumptive to the Rajah, whose health was frequently very delicate at this period, and who had been married for three years without issue.

this young man would undoubtedly have been the Rajah of Nagpore.

The entire contents of paras 15 and 16 of Lord Dalhousie's Minute[1] before mentioned, avowedly founded on nothing but inferences and surmise, convey an impression directly opposed to the real circumstances which followed the death of the late Rajah. There never was the slightest difference of opinion or jealousy between the Banka Baee and the other Ranees; there never was the least doubt or question among them as to their right to adopt, or as to the advisability of adoption, or as to the person to be adopted.[2] Appa Sahib was at once summoned by the Banka Baee and by Anpoorna Baee, the senior widow; and at the request of both these Ranees, his father Nana Aher Rao, and his mother Myna Baee, formally, and in presence of all the assembled relatives, consented to resign him to Anpoorna Baee. The Banka Baee proposed that until the orders of the Supreme Government were received, the public ceremony of giving a new name to the young Rajah, and the usual procession and installation should not take place; and while this question was being debated in the family circle, the information that the Resident had ordered seals to be put on the Treasury and Jewel Office, and had otherwise taken measures for exercising all authority in his own person, decided it in favour of the Banka Baee's consistently submissive policy. The Baee said at that time, and on many subsequent occasions, that she had already seen the affairs of the Nagpore State settled several times by orders from Calcutta, and that she had no doubt they would be

(1) First Nagpore Blue Book pp. 24-26.

(2) [Ed.] According to the report of the Resident, Mr. Mansel, the Rajah's nearest male relatives were two grand-nephews, one grand-nephew of his predecessor, Raghuji II,—descendants in the female line, but all eligible for adoption, according to Hindu law and custom and a nephew, sister's son, who was married and therefore incapable of being adopted. From among these Mr. Mansel recommended the elder of the deceased Rajah's own grand-nephews, as "the most favourable selection for the throne, describing him as well educated in the Mahratta style, "amiable in disposition and sensible, not apparently possessing brilliant talent but tractable." Papers relating to the Rajah of Berar, 1854.

settled once more on the old terms. Mr. Mansel's kind, considerate, and consolatory manner and expressions still more tended to confirm the Ranees as to the prudence and propriety of trusting to his good offices, and to the friendship of the Honourable Company. It is remarkable that General Low, in paras. 26, 38 and 41 of his second Minute[1] of the 11th February 1854, with singular accuracy divined and described the state of affairs and of feeling at Nagpore on the subject of adoption. The Ranees and their advisers having indicated their wishes to the British Resident, waited patiently for the orders of the Supreme Government.[2] And yet, although no reference was made to the Ranees during the consultations of Government, and although, after the orders for annexation had been communicated to them,

(1) First Nagpore Blue Book, pp. 48-50.

(2) [Ed.] Mr. Mansel, writing on the 14th of April 1854, about the several possible claimants to the throne, thus confesses his mistaken opinion as to the Ranis' desire to adopt an heir.

"In my communications with the late Durbar Vakeel, I was led to suppose at first that I should receive a formal representation from the Banka Baee and the eldest widow of the late Rajah, Anpoorna Baee, *on the subject of their claims to adopt an* heir to the musnud, they and their immediate advisers treating it as hard that their case should be finally disposed of without further formal communication with them. Partly, I apprehend, from their own helplessness, and *partly from the disinclination of the most intelligent parties about the court to engage in a course that might be deemed hostile or held offensive to the British representative,* the ladies and other near relatives of the late Rajah have not taken, so far as I can learn, any effective step to appeal in Calcutta or in London against the orders executed by me, nor has any formal representation on paper been submitted to myself."

It was not until Mr. Mansel was removed from Nagpur, largely in consequence of his representations in their favour, that the Ranis became aware of the seriousness of their position and entered upon a course of appeal and remonstrance—Bell's *Retrospects and Prospects of Indian Policy*—Ch. IV. p. 34.

According to Sir John Kaye, Mr. Mansel was the best friend that the Ranis had at that conjuncture. But he was "severely censured for his indiscretion and had left Nagpur in disgrace." The Ranis accused him later, in the quaint palace-language of their scribe, of "endeavouring to gain a baronetage and exaltation of rank by reporting to the Governor-General that the late Rajah was destitute of heirs to succeed him, with a view to his Lordship being pleased to order the annexation of the territory." "But there was not a man in the country less disposed to annex provinces and to humour Governors than Charles Mansel and instead of being exalted in rank, he sacrificed his prospects to his principles and retired from the service."—(*History of the Sepoy War*; Vol. I; Ch. II)

the Ranees protested against them and begged that their adoption of Appa Sahib should be recognised and approved, so permanent appears to have been the misunderstanding produced by the original imperfect explanation that in his farewell Minute of the 28th February 1856, para 14, Lord Dalhousie writes as follows:—"No son had been born to His Highness; none was adopted by him, none *as they have themselves admitted*, was adopted at the Rajah's death, by the Ranees his widows."[1] This is extraordinarily and inexplicably erroneous. The Ranees, so far from admitting anything of the sort, have never ceased to the best of their poor ability, to press the claims of their adopted son upon the Government.

But Lord Dalhousie has intimated in para 27 of his Minute[2] that he should under any circumstances have been prepared to offer his decided opposition to the approval by the British Government of any adoption by the Rajah or by the Ranees. His Lordship denies the legal validity of any such adoption until confirmed by the paramount power; and paras 19 to 24 inclusive are devoted to disproving a supposed plea that the British Government was bound to recognise succession by adoption in the Bhonsla family, because it has already recognised the right of adoption in the elevation of the late Rajah to the musnud on the deposition of Appa Sahib in 1818. In order to give a full exposition of all the various phases of this remarkable case, I shall proceed to point out the confused and erroneous nature of Lord Dalhousie's comments on the events attending the late Rajah's succession to the musnud, and of his inferences and arguments

(1) [Ed.] Dalhousie says that the Rajah did not adopt, partly because he did not like to acknowledge his inability to beget a son; and partly because he feared that the existence of an adopted son might some day be used as a pretext for deposing him. He then observes :—"The dislike of the late Rajah to the adoption of a successor, was of course known to his widow; and although the custom of the Marathas exempts her from that necessity for having the concurrence of her husband in adoption, which general Hindu law imperatively requires, in order to render the act of adoption valid, still the known disinclination of the Rajah to all adoption could not fail to disincline the widow to have recourse to adoption after his decease."

(2) First Nagpore Blue Book, p. 30.

founded thereon. The conclusion arrived at is contained in a sentence of paragraph 19 of the Minute ; [1]—" The Government of India in 1818 did not recognise that the Nagpore succession had passed by adoption, and did not place the late Rughojee on the musnud because he had been adopted into the Bhonsla family." This is a mere discursive objection, which at once raises a false issue, and implies an absolute falsity. No one ever maintained or imagined that the late Rajah was placed on the musnud "*because he had been adopted* ;" most certainly none of the family, or any native politician or pundit, could ever have made use of such an incorrect expression. He was placed on the musnud because he was the next heir; and he was adopted because he was the next heir. On the other hand the British Government in 1818 had never pretended—though Lord Dalhousie insinuates it had,—to the prerogative of sanctioning or forbidding adoptions, or of interfering with the Hindoo law of inheritance in the succession to Hindoo sovereignties. That political heresy arose at a much later period.

What really occured in 1818 was very simple, and can be very easily explained.[2] The British Government having subdued the hostile party at Nagpore, and deposed the faithless Appa Sahib, decided not to enforce the penalties of conquest, and not

(1) First Nagpore Blue Book, p. 27.

(2) [Ed.] Raghuji Bhonsle II, who concluded the Treaty of Deogaon with the English, died in April 1816. His son Parsoji Bhonsle was weak and incapable; but he had a nephew, by name Appa Sahib, who was very capable and to whom the British Resident was very partial. Appa Sahib was not on good terms with Raghuji II, who endeavoured to deprive him of a portion of his estate; but he appealed to the Resident to intercede on his behalf; and the result was that his estate was "preserved to him, at last, by the aid of a remonstrance of the British Resident at Nagpur; and this circumstance not only produced an irreconcilable difference between the two princes, but induced Raghuji to have recourse to a series of measures, calculated to annoy and distress his nephew in every way."

On the death of Raghuji, a council of regency was formed, as Parsoji was incompetent to rule by himself; and Appa Sahib was placed at its head. Mr. Jenkins, the Resident, drew Appa Sahib into the net of subsidary alliances, the latter being actually guaranteed his succession by the Governor-General "professing to consider Parsoji incapable of the volition necessary to the act of adoption." Parsoji was found dead in his bed on the morning of February 1, 1817, when Appa Sahib was

to expel the Bhonsla dynasty; therefore the late Rajah's right to the succession became good; and as next heir he had a right to be adopted as a Bhonsla. But the Hindoo religious ceremony of adoption was a matter that concerned the Rajah and his relations much more than it did our Government, which was in fact quite indifferent on the subject.

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away from Nagpur. Mr. Jenkins took no notice of this event; and the Governor-General, writing on the 21st August 1820, says that "Mr. Jenkins's suspicions as to the fact (of Appa Sahib's complicity) had indeed been excited at the period of Bala Sahib's (Parsoji's) decease, but circumstances which I need not recapitulate, having somewhat lessened them, and the difficulty of acquiring satisfactory proof being apparent, he (Jenkins) did not deem it right to intimate, even to his own Government, doubts which had been in a great degree dismissed from his own mind, nearly as soon as they had been admitted." The treaty of subsidiary alliance which Appa Sahib concluded as regent, was signed by him in great secrecy and protested against by a section of the nobility and by the ladies of the palace.

After Parsoji's death, Appa Sahib's attitude towards the Company was changed. More than a third of his whole revenue had to be paid for the subsidy and the contingent. He was subjected to petty annoyances; and the treatment he was receiving from Jenkins, the Resident, has been described by Prinsep in his *History of the Administration of the Marquis of Hastings*; Vol. I; pp. 427 *ff*. Sir John Malcolm, in his letter to the Governor-General, dated 9th October 1817, believed the Raja to have been sincere in his professions of friendship and wrote that "the Rajah, though convinced of the necessity of an alliance with the British Government, has a natural jealousy of the progress of that to encroach on his independence." Jenkins interpreted the Raja's ceremonial acceptance of the *khilat* sent by the Peishwa who was then at war with the English, as "a demonstration of the Rajah's alliance with the Peishwa and his determination to follow the path already entered upon by Baji Row." By other measures Jenkins provoked Appa Sahib into hostility; and even after the attack on the Residency, the Raja sent a message expressing his regret. He consented on the 6th January, 1818, to sign a provisional agreement, ceding lands in lieu of the subsidy and contingent and engaging that the administration should be conducted according to the advice of the Resident. He even proposed to the Resident the cession of his principality in lieu of a pension. Jenkins accused him of intrigue; the Governor-General was convinced of the truth of the accusation. The charge of having murdered his cousin was brought against him. He was condemned to imprisonment at Allahabad, without being heard in his own defence. His escape from his escort was a romance; he found a refuge among the Gonds, made an unsuccessful attempt to regain his hold of Nagpur and fled to Hindustan in 1819 (Marquis of Hastings' letter of October 17, 1822—quoted by Basu). He died at Jodhpur in 1840.

On Appa Sahib's deposition, a son of Raghuji's daughter was placed in power on the 26th June 1818. He assumed the title of Raghuji; and the government was placed under the management of the Resident, during his minority. When the Raja attained his majority in 1826, a new treaty was made with him.

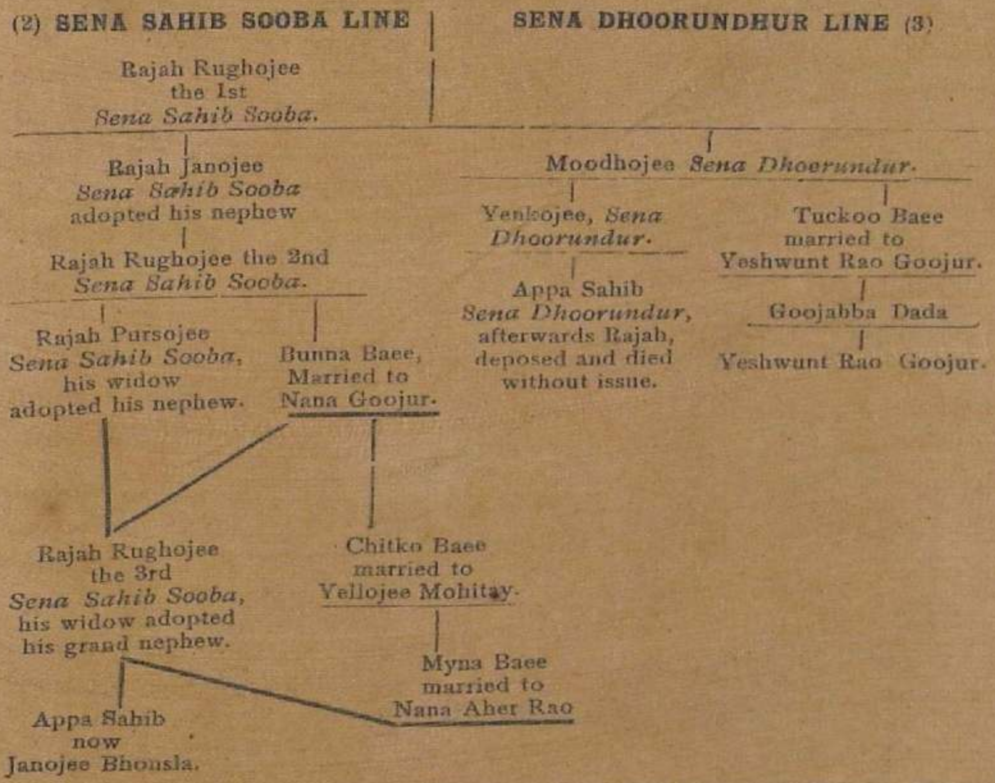
It is not correct that the late Rajah was adopted,—as Lord Dalhousie states,—"long after" his installation. His Lordship appears to lay some stress on the supposed want of connection between the two ceremonies.[1] But the truth is that the late Rajah,—as stated in Sir R. Jenkins's Nagpore Report, p. 137, and as I have ascertained beyond a doubt from members of the family who were present on the occasion,—was adopted by Rajah Pursojee's widow, and placed upon the musnud as Rughojee Bhonsla the 3rd on the same day, the 26th June 1818 The solemnities for which the presence of Goojabba Dada, the eldest male of the family, was required, and which were deferred until his arrival, were the ceremony of the adopting Ranee taking her son through the city to the temple of Jagheshwur, and the other rejoicings usual on the accession of a Rajah, the very same ceremonies that were deferred in 1853 until the pleasure of the Supreme Government should be known, and which were not fully performed until August 1856, when the Ranees took their adopted son in solemn procession to the temple, and publicly acknowledged him as the head of their family under his new name of Janojee Bhonsla.

In 1818 the late Rajah's position as next heir was indubitable and undisputed.[2] Not only was he the grandson of Rughojee the 2nd, but a large party in the family and among the nobles of Nagpore, had considered him to be the rightful heir on the death of his uncle Pursojee, to the exclusion of Appa Sahib, who was

(1) Vide paras 19, 20, 21 and 22 of his Minute, First Nagpore Blue Book p. 27-28.

(2) [Ed.] He was the nearest of kin both to Parsoji and Raghuji II when he was placed on the throne in 1818. "It was a doubtful question whether he was not the rightful heir in 1816, instead of Appa Sahib, whose party we supported but whom we afterwards deposed; it was therefore inaccurate to speak lightly of him as a boy 'selected to be Rajah; or as a person upon whom the sovereignty was bestowed' Lord Hastings himself wrote to the Court of Directors that "the members of the reigning family and the principal persons of the State were consulted; they unanimously recommended the nearest of blood in the Bhonsla family for the succession and he was raised to the musnud in the room of Appa Sahib." *Report of the Select Committee of the House of Commons on the E. I. Company*, 1833—Appendix p. 104.)

Pursojee's first cousin. The accompanying genealogical tree will make the various points of the case quite clear and distinct. It will be observed that Janojee Bhonsla is the grandson of the late Rajah's *sister*, and a lineal descendant of the Rajah's *grandfather*, Rughojee the 2nd; while Yeshwunt Rao Goojur, called by Mr. Mansel, the Resident, "another pretender to the throne,"[1] is only descended from the late Rajah's *grandfather's sister*.



(1) First Nagpore Blue-Book, p. 20.

(2) [Ed.] The title was conferred on Raghuji I and then an his son Janoji, by the Peishwa; it was similar to the title of Sena Khaskel conferred by Balaji Rao Peishwa on Damaji Gaikwad to which the Maharajas of Baroda still attach great importance.

(3) [Ed.] Mudhoji Bhonsle whose son Raghuji had been adopted by Janoji and who was opposed by Sabaji in a civil war, contrived to kill the latter in an encounter and gained the undisputed regency on behalf of his son Raghuji II and the title of Sena Durandhar (1775).

According to Hindoo belief, not only temporal but eternal happiness depends on having a son. A son or male descendant alone, by performing the *Sraddh* or offerings for the dead parent or ancestor, can obtain rest for his departed spirit. Hence the adoption of a son, in default of legitimate issue, is a religious obligation. Thus, for instance, Rajah Janojee was obliged by the strictest precepts of his religion to have a son to perform his funeral rites; and this son, whether of his body or of adoption, must of necessity be his heir. But he was also bound by an old established Mahratta custom, founded on the wisest principles of state policy and in perfect harmony with Hindoo law, to choose his nearest male relative, in the male line of descent, and in a lower generation to himself,—a brother, or a cousin in a corresponding generation or equal degree of descent, being considered on an equality and incapable of being adopted as a son.[1] In due course, therefore, he adopted Rughojee, the eldest son of his brother Moodhojee, who was himself, according to our notions the next heir.[2]

Again Rajah Pursojee was obliged to have a son to perform his funeral rites, and *a son* of Appa Sahib, his first cousin, being the nearest relation in the male line and in a lower generation, would have been the undoubted heir, entitled to be adopted by Pursojee or his widow. But Appa Sahib himself,—although according to European ideas the presumptive heir,—*being in a corresponding or equal generation to Pursojee,* was absolutely incapable of adoption as his son. Appa Sahib had no son, and therefore as he was the last descendant in the male line, the right of succession by adoption fell, by the Mahratta

(1) [Ed.] Vide note 1 on p. 155 *supra*.

(2) [Ed.] Raghuji Bhonsle, the founder of the dynasty (*d.* 1755) left four sons, *viz.*, Janoji, Sabaji, Mudhoji and Bhimbaji; and he was succeeded by Janoji, his eldest son, who died, in 1772, after having, with the concurrence of his overlord, the Peishwa, adopted his nephew Raghuji, son of Mudhoji as his heir. The government was, however, seized by Sabaji who held it, in spite of opposition, till 1775, when he was slain in battle; and Raghuji II succeeded; and he being a minor, the government was conducted under the regency of Mudhoji who ruled till his death in 1788.

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rule referred to at page 146 of Jenkins' Report, to the nearest descendant in the female line from the founder of the dynasty, "the nearest male descendant of the last Rajah who had any (offspring)."[1] This was the late Rajah, the grandson of Rughojee the 2nd and Pursojee's nephew, who was also preferred as a direct descendant in the *Sena Sahib Sooba* line, while Appa Sahib, although descended through males, was the third in descent in the collateral line of *Sena Dhoorundhur*, that secondary title and appanage of Chanda having been enjoyed by himself his father, and his grandfather. Appa Sahib by his position in the family, undoubtedly had the right of regency and guardianship during Pursojee's incapacity and his successor's minority; but Appa Sahib's first and most sacred duty was, either during Pursojee's life or at his death, to effect the adoption by Pursojee or his widow of the late Rajah.[2] This duty he evaded; and it was to prevent the adoption being effected by other members of the family, that he imprisoned the Banka Baee, caused Goojabba Dada[3] to fly for his life to Allahabad, murdered

1. *ante*, p. 164.

(2) [Ed.] Even Lord Hastings wrote in his *Private Journal*, under date, June 1, 1816:—"Aware that there is a strong party in the palace, he feared that Pursojee might be made to adopt a son, which according to Mahratta institutions, might cut out Appa Sahib. The latter had to apprehend that this would be a machination of Scindiah's, with the women of the palace, and those apparent dependents who really guide them; and he foresaw that in such an event the Scindiah would support the adopted child with troops in order to acquire the rule over Nagpore." He then naively added:—"Under these impressions, Appa Saheb was not difficult to be worked upon. He is confirmed in his legitimate power and he is ensured against the adoption by my professing to consider Pursojee incapable of the volition necessary to the act." (1907, Allahabad—pp. 254-5).

Mr. Prinsep writes thus:—"The claims of an infant son of a daughter of Raghojee (*i.e.*, the boy who was ultimately adopted) were not held to come into competition with those of Appa Saheb, the nearest in the male line, except, indeed, in the case of his adoption by Pursojee." Prinsep adds, however, the following words:—"marriage being considered by most classes of Hindus, to transfer the bride to her husband's family, and to cut off herself and her descendants for ever from any claim on that of her own parents." (*History of India*—Vol. I; *pp*. 344-5).

(3) [Ed.] Goojaba Dada was an opponent of Appa Sahib, but "in the main a moderate man." He was debarred from frequent access to Parsoji's person. After his formal accession, Goojaba was openly persecuted by Appa Sahib; and fearing for his life, he first took refuge with Nago Pant and afterwards with the British Residency whence he was ultimately conducted in safety to Allahabad.

Dhurmajee Bhonsla,[1] and at last had Pursojee himself put to death. He then with daring impiety himself performed Pursojee's funeral rites,[2] and usurped the succession. The Banka Baee was the head of the opposition party; and could they have obtained the countenance of the British Resident, they were quite strong enough, with her talents, influence and popularity, to have restrained Appa Sahib, from all interference in the Government during the life of Pursojee, and at his death to have placed the late Rajah on the musnud as his adopted son. [3]

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(1) [Ed.] Dharmaji Bhonsla was the head of the party which opposed the claim of Appa Sahib to the regency for Parsoji. He was a *chela* or *clévc* of the deceased Raghuji II, controlled his privy purse, had several partisans in the zenana of the court and was popular with the Arab guards who guarded the palace and person of Parsoji. His party formed a scheme for vesting the regency in Banka Bai and for inducing Parsoji to adopt the infant grandson of Raghuji II (the future Raghuji III) and attempted to have some other than Appa Sahib nominated to officiate at the *sradh* of the deceased Rajah. Dharmaji also thwarted all efforts at reconciliation and was charged with having induced Banka Bai to reject the paper of reconciliation offered by Appa Sahib and with retracting his assent to it, unless Appa Sahib would give him the security of the *Punnee Patans* (a class of Mussalman assassins who gave pledges for any one's personal security and redeemed them by never failing to murder secretly the aggressor upon the person guaranteed). Appa Sahib pretended to suspect the designs of Dharmaji who had sent invitations to his partisans at Elichpur and Hyderabad and who was overbearing and insolent and arranged to have him seized by his personal retainers, together with his public and private treasure, on the 11th April, 1816. According to Prinsep, this arrest of Dharmaji was done with the knowledge and concurrence of Parsoji. Three days after this event, Parsoji was seated formally on the *gadi* and Appa Sahib was vested with the office of *Naib-i-Muktar* and the title of Mudhoji Bhonsla.

(2) [Ed.] The ceremony was always to be performed by the nearest male heir, who being incompetent in the present case, the nephew, as next in the male line, had the right and the duty to perform. According to Prinsep, Appa Sahib openly professed his resolve to employ force if he should be prevented from officiating at the *sradh*; and the people were strongly on his side in this point; and so, Dharmaji's party disclaimed having ever meditated his supersession by another person to officiate for Parsoji at the ceremony.

(3) "The present ruler of Nagpore," writes Sir John Malcolm to Lord Hastings in 1817, "sought our alliance to fix him on a *disputed throne*." Malcolm's *Political History of India*, Vol. II; Appendix, p. CXLV. And in the same work, Vol. I, p. 503, he says:—"Appa Sahib was in a great degree indebted for his elevation to the English Government."

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If these facts did not entirely escape the notice and attention of Lord Dalhousie, he strangely misinterpreted their import. In para 20 of the same Minute[1] his Lordship thus remarks on the policy of the Marquis of Hastings:—"The Governor-General regarded the Nagpore State as forfeited by the acts of Appa Sahib and the treaty of alliance at an end. The Governor-General thereupon resolved to *set up a boy, whom he selected* to be Rajah, with a regency which he also selected. No reference whatever was made to adoption. The Governor-General selected this boy, not because adoption gave him a claim, for he was not adopted till long afterwards;[2] but because policy recommended him as one who had a party in the State and in the family, and who was therefore likely to be acceptable. In one word the Government regarded the State of Nagpore as absolutely at its disposal. It bestowed the sovereignty upon the person whom it thought best; and it conferred the gift upon him under the influence of no consideration, but its own free will and pleasure."

A more correct description of these measures and of their grounds may, I believe, be very plainly and simply stated thus:— The State of Nagpore was undoubtedly at the disposal of the British Government, which had, in consequence of Appa Sahib's treacherous hostility, obtained the full rights of conquest; but from motives of generosity and policy it waived those rights and allowed the next of kin to succeed. It is expressly stated in the preamble to the treaty of 1826 that "The Maharajah Rughojee Bhonsla having *succeeded* to the same by the favour of the said Government, the following treaty is concluded." Whether Appa Sahib be considered, as the Banka Baee's party did and do consider him, as a usurper, or not, there can be no doubt that on his deposition or civil death the late Rajah was the next heir; and the elevation of any more distant relation or of a stranger to

(1) First Nagpore Blue Book, p. 27.

(2) This, as I have already shown is a mistake.

the vacant musnud, would have borne the appearance of unmeaning caprice, would in fact have been a gross injustice, and must have inevitably led to endless intrigue, discontent and violence. This is the correct explanation of the "selection of a boy" to be Rajah after Appa Sahib's deposition. It was not considered just or expedient to extinguish the sovereignty. Appa Sahib was the sole offender, while the Banka Baee had rendered our Government most valuable services, and her influence had in a great decree neutralised the effect of her nephew's treachery.[1]

Lord Hastings himself gives the following account of Nagpore affairs in 1818, in the Summary of his Administration, submitted to the Court of Directors with his letter, dated Gibraltar, 6th May, 1823:—"When Appa Sahib, the expelled Rajah of Nagpore, stood in a perilous condition, from his proximity to the rule of that country, and the jealousy which the reigning Prince entertained of him, we secured his life by our avowed protection. The subsequent decline of that reigning Prince's intellect into complete idiotcy, made it necessary for the British Government to place the Regency in the hands of Appa Sahib.[2] The Regent availing himself of the facility which his situation afforded, caused the Rajah to be poisoned, *lest he should adopt a son*, who might, notwithstanding the Rajah's incapacity of choice, find support from some party in the State.

(1) [Ed.] The discovery of the intrigues and designs of Appa Sahib after his deposition and escape made it necessary for the Resident to place every department at the capital under the direct control of British officers. This extended even to the mint and the treasury. Banka Bai, the regent and Goojaba Dada whom she recalled from Allahabad and appointed Dewan and who formally performed the young Raja's adoption and investiture ceremony, acquiesced in the measures of the Resident.

(2) [Ed.] Parsoji had been reputed to be of a flighty disposition and impatient of control. A recent sickness had deprived him of sight; he lost the use of one of his arms by a stroke of palsy, as a consequence of which he was completely bed-ridden and his mind was affected and "frequently observed to wander in so much as scarcely to be sensible of what was passing." Prinsep gives several instances of his imbecility as reported from his conduct during his father's funeral ceremonies. (Vol. I; p. 344).

The crime was suspected; but as there was not then anything like proof of it, the surmise could not stand in the way of Appa Sahib's accession to the musnud, or throne, so that he was immediately recognised by us as the lawful head of the Government. *Our further intercourse was a succession of favours lavished by us*, till the Peishwa resorted to arms." He then briefly describes Appa Sahib's treachery and deposition, and states that the disturbed state of the country "made it expedient for us to lose no time in establishing a new Government. The members of the reigning family, and the principal persons of the State, were consulted. They unanimously recommended the nearest of blood in the Bhonsla (the Rajah's) family, for the succession, and he was raised to the musnud in the room of Appa Sahib."[1] What a contract to Lord Dalhousie's contemptuous assertion that Lord Hastings *set up a boy whom he selected*?

It was only natural that arguments establishing the late Rajah's absolute legitimacy, and the justice and wisdom of the Banka Baee's original policy, should have been encouraged and become popular during her Regency and the late Rajah's reign. But so far as I can ascertain, her view of the late Rajah's right of succession is entirely in accordance with established Mahratta custom and state policy, while it is quite comformable to strict Hindoo law. It is also quite in accordance with the brief outline of events, and with the explanation of the law and custom of inheritance among the Bhonslas, contained in Sir Richard Jenkins's Nagpore Report. The sole reason he gives for rejecting the Banka Baee's policy is as follows:—"We recognised Appa Sahib's right, because Pursojee was acknowledged to be too imbecile an intellect to exercise, *sui juris*, the privilege of

1. Report of Select Committee of House of Commons on the East India Company, 1833, Appendix, pp. 103, 104.

Additional Note:—[Ed.] "He (Hastings) directed the minor grandson of Raghuji, by the daughter married to Goojur Apa, to be seated on the vacant Guddee, upon his adoption into the Bhoosla family, by Buka Baee, the surviving widow, which was requisite to perfect his title to the succession." (Prinsep—Vol. II; p. 390).

adoption." At first sight this reason appears sound; but I doubt if it will hold good either on principles of the Hindoo religion or of the established customs of Mahratta States: for such a rule will debar all persons whose minds were weak from disease or advanced age, from having a son adopted for them, (a family arrangement that is often made) while it sets aside entirely the right of the wife or widow to adopt for her husband.[1]

It must be remembered that all the English published accounts of the events of 1816–18 are based on the official reports, and that the Banka Baee's side of the question has hardly been heard yet.[2]

The Baee always maintained that if her proposals had been accepted, there would have been no war. She made repeated overtures regarding a subsidiary treaty, and warned the Resident that Appa Sahib was merely negotiating as a pretence, and to gain a temporary safeguard against the partisans of her grandson. And the result showed that her warnings were true. Appa Sahib only wanted English protection while Pursojee was living. From the time that he had assumed in his own name the honours and authority of the Raj, he lent himself wholly to the designs of the

(1) [Ed.] According to the *Vyavahara Mayukha* of Nilakantha, whose authority is considered only second to that of the *Mitakshara*, "the right of adoption even without the order of her late husband pertains to the widow." (see p. 159 and Note (2) *supra*). Lawyers of Western India do not consider that any permission to adopt is required by the widow who wishes to adopt after her husband's death. The only person to whom authority to adopt can be given is a wife or a widow.

2. The fullest and clearest narrative of Nagpore affairs during that critical period that I have seen, is to be found in the *History of the Marquis of Hastings Administration*, by Mr. H. T. Prinsep, published in 1825. It in general agrees with the local chronicles, except in some few respects, such as the character of Dhurmajee Bhonsla, Appa Sahib's murdered opponent, which stands very high in the Nagpore traditions.

[*Additional Note*] [Ed.] Prinsep wrote that Dharmaji was "an unprincipled libertine and had been the instigator and chief actor in those measures of extortion which had marked the close of Raghojee's life." In another place he wrote of "the known profligacy of Dhurmajee's character" which made everyone suspicious of his real designs.

Peishwa Bajee Rao.[1] ersons are still living, who when the firing had commenced at the battle of Seetabuldee, were sent by Gholam Mohammed Khan, the principal Commandant of the Cavalry, to tell Mr. Jenkins that if he would give the order, they would declare for the Baee and Rughojee's grandson, and attack Appa Sahib's Rohillas and Arabs. Mr. Jenkins is said nobly to have replied–"I am not your master, and I have no order to give; your master the Rajah will have to answer for this day's work." Even at that moment of life and death he refused to deviate from the straightforward undisguised course of action which his opinions had dictated, or to sanction intrigue even against his treacherous enemy. Both before and during the battle messages came from the Banka Baee; and it is well-known that in consequence of her influence the Mahratta horse totally declined to fight, and ten thousand of them fled before the first forward movement of one hundred and twenty Bengal Cavalry. Sir Richard *J*enkins's name is revered at Nagpore for his fatherly care of the late Rajah, for his rescue of the finances and resources

(1) [Ed.] The reception ceremony when the Raja Appa Saheb accepted a *khilat* sent by the Peishwa, Baji Rao II, took place on November 24, 1817. The khilat was brought by Khundoo Pandit the Rajah's Vakil, lately dismissed by the Peishwa under the Treaty of Poona. Though this mark of honour was procured through the good offices of Elphinstone and though the Peishwa was on terms of amity with the British Government when the khilat left Poona, yet when Appa Sahib received it in a public durbar, the Peishwa had become an enemy and Mr. Jenkins had remonstrated against its reception—as it was indicative of Appa Sahib having received the dignity of *Senapati* of the Maratha state. Mr. Jenkins considered it as "a demonstration of the Raja's alliance with the Peishwa and his determination to follow the path already entered upon by Bajee Row." The Raja continued to profess good will and friendship for the British Government; It is stated that "pending the discussions with Bajee Rao, which ended in the treaty of Poona concluded in June, Appa Saheb lent himself openly to the counsels and intrigues of those who wished him to make common cause with the Peishwa." On hearing of his submission, the Nagpoor Raja began to have some personal apprehension of the consequences of the display of such a bias and accordingly thought it necessary to put on the appearance of a line of conduct directly the reverse. In this favourable disposition the Raja continued till the end of October; indeed, on the 21st of that month, Mr. Jenkins wrote that although his Highness was still in active communication with Poona, he, the Resident, did not anticipate a change of conduct for the worse. But no sooner were the hostile designs of Bajee Rao towards the English made known unequivocally at Nagpoor, than he came at once to the resolution of making common cause with the head of the Maratha nation. Towards the middle of November this change became manifest....The news of the result of the action at Poona on the 5th of November occasioned no remission of these hostile demonstrations." Mr. Prinsep from whose history the above extract is taken, says that Appa Saheb long hesitated as to the course he should pursue and his inclination shifted from one side to the other.

of the country from a miserable sta[illegible]pression and decay, and for his upright and beneficial a[illegible]ration during nearly twelve years; but the misfortunes of the family and of the State are attributed in a great measure to his error in promoting Appa Sahib's claim both to the Regency and to the succession. The actual and ultimate cause was of course the weakness and perfidy of Appa Sahib. But even by the published narrative it will be seen that until within a week of the treacherous attack on the Residency, Sir Richard Jenkins was supporting Appa Sahib [1] against the Banka Baee and the old ministers of Rughojee the 2nd, with all the weight of his influence and of the British troops. Sir Richard Jenkins's policy, though it failed to preserve peace, was throughout characterised by good faith; and his choice of Appa Sahib's party was founded on fair and reasonable grounds. And its result, although destructive of the position of the Nagpore State as a separate power, undoubtedly added to the influence as well as to the territorial possessions of the British Government. But we ought not to forget the Banka Baee's share in those transactions, or that Appa Sahib was deservedly punished and ample compensation exacted at the time; while she was still living in 1858 to plead a friendship of a half a century, even more effectual in our favour in 1857 than in 1817.

I must explain that in stating the case contended for by the Banka Baee and her party in 1817-18, and expressing my own conviction of its justice, I do not intend to assert that the Mahratta law and custom of inheritance therein upheld can be

(1) [Ed.] Jenkins saw no cause to be dissatisfied with the conduct of the Raja since he had voluntarily surrendered himself after the battle of the Sitabaldi Hill. "On the contrary he regarded the circumstance of the abandonment of so many guns at the arsenal as well as the subsequent payment of the arrears due to the Arabs as soon as demanded, as clear proofs that he had exerted himself both sincerely and sedulously to execute the conditions demanded of him......as his personal surrender had been received when he did come in and as the failure of performance in other respects arose from causes apparently beyond his control, the Resident did not consider his claim to be reinstated, with the limitations and sacrifices he had been led to expect on his submission, to be at all weakened by subsequent events."

shewn, by any authoritatı p ɔcument or by the uniformity of precedents, to be so clea... ..id down, and so universally accepted that there never was any ground for doubt or contention. This desirable point has not hitherto been attained in Hindoo or in Mahomedan States; and it has only been very gradually accomplished in Europe; indeed, within the last twenty-five years we have seen wars of succession in Spain and in Portugal. Disputed inheritances and wars of succession have occurred frequently both in Asia and Europe—more frequently, however, from political and military complications affording a chance to a pretender, than from any real uncertainty as to the person in whom the legal right vested.

I do not, therefore, intend to assert that the views of the Banka Baee and her party were never questioned, and are perfectly unquestionable; but only that the right of the descendant in the female line to succeed and to be adopted, in default of a descendant in the male line eligible for adoption, as maintained by them, cannot be dogmatically contradicted by Hindoo law,[1] but is comformable both with its letter and its spirit.

The whole tenor of Lord Dalhousie's arguments is intended to show that the Nagpore territory was forfeited, that a *new* principality was created by the will and pleasure of the British Government, and granted to the late Rajah without reference to his position in the Bhonsla family. In para 6 of his Minute[2] he says, " In consequence of the treachery and hostility of Appa Sahib, the State was declared to be ours by conquest in 1818; a portion of the territory was conferred by the British Government upon the late Rajah in that year, and was confirmed

(1) [Ed.] There is the view that a daughter, being transferred to her husband's family, is cut off, together with her descendants, for ever, from any claim on that of her parents. Under the *Mitakshara* a very large preference is given to agnates in matters of adoption. But the necessity of adopting the nearest male *sapinda* is obselete and the adoption of a stranger, not to speak of a cognate, is valid, although nearer relatives, otherwise suitable, may be in existence.

(2) First Nagpore Blue-book, p. 23.

to him, his heirs and successors, by treaty in 1826." There are two errors of some importance in this short extract. The State of Nagpore was never at any time "*declared* to be ours by conquest." Doubtless by the laws of war and of nations it *might* have been declared ours; but such a declaration was *not* made. It is also a mistake to say that in 1818 "*a portion* of the territory was conferred upon the late Rajah." The late Rajah by the favour of the British Government was allowed to succeed to the whole of the Nagpore territory without any deduction. A reference to Article V of the treaty of 1826 will show that Appa Sahib had ceded, in lieu of the subsidy and contingent, the Saugor and Nerbudda Territories, and other districts,[2] previously to his second act of hostility, and that the late Rajah merely confirmed this cession, the ratifications of which had not been exchanged during Appa Sahib's short tenure of power. The form was not gone through of annexing the territory, or of proscribing, condemning, and then condoning the Bhonsla family. The Nagpore dominions were not annexed by the Company, and then conferred as a gift on the late Rajah. On the contrary, they were without any interregnum or intermission, administered during his minority in his name by British officers, without any treaty or agreement or instrument of gift of any description, until his majority in the year 1826, when a treaty was concluded,

(1) Of course, I mean, publicly declared; I do not allude to the terms used in despatches (though I have seen none to that effect) but to those used in proclamations and treaties.

(2) [Ed.] By the Provisional Agreement of 6th January, 1818, Raja Appa Sahib ceded his territories north of the Narmada and other districts—these were detailed in the schedule of cessions annexed to the Treaty of 1826,—under its article 5, wherein the British Government guaranteed the rest of the dominions of the Nagpur State, to Raghuji Bhonsle III, his heirs and successors. (Aitchison's *Treaties etc; 4th ed.*, Vol. I; p. 427).

Article 5 runs thus:—"The late Rajah Moodhajee Bhoosla, commonly called Appa Saheb, agreed to cede to the Honourable Company certain territories for the payment of the expenses of the permanent military force maintained by the British Government......and in lieu of the subsidy formerly paid by the said Rajah and of the contingent he was bound to maintain by the former treaty. These territories as detailed in the schedule annexed to this treaty, shall remain for ever under the dominion of the Honourable Company."

in which he was expressly declared to have "succ[illegible] to the musnud of Nagpore, and in which he was requ[illegible]firm former cessions, which of course would never hav[illegible]uired or permitted had he received the Principality as [illegible]r a new grant.[1]

The arguments which I have already noticed are thus summed up by his Lordship at the end of para. 28 of his Minute;[2] —"The simple question for determination is whether the sovereignty of Nagpore, which was bestowed as a gift upon *a Goojur* in 1818, shall now be conferred upon *somebody else*, as a gift a second time."

The late Rajah undoubtedly was born a Goojur; but he was also the grandson of Rughojee the 2nd, and next of kin and heir both to Pursojee and Appa Sahib; and in 1818 the British Government forbore to enforce its rights of conquest, or to subvert his right of succession, The late Rajah is not, therefore adequately described as "a Mahratta youth"; he is a lineal descendant of Rughojee the 2nd, and next of kin to the late Rajah. And the real question of determination would have been more properly stated as follows:—Whether the sovereignty of Nagpore, to which the next of kin was allowed to succeed in 1818, when the treacherous hostility of Appah Sahib had placed the State and musnud at the mercy of the British Government, should a second time be allowed to descend to the next of kin,

(1) The preamble of the treaty of 1826 says—"The Maharajah Raghojee Bhoosla having succeeded to the same (musnud) by the favour of the said Government." Elsewhere, Mr. Bell has argued that from the records of the time he had proved that "the State of Nagpore was not conferred as a gift or grant on the late Rajah (Raghuji III), that no new principality was created in his favour by the British Government, but that by its forbearance and favour he succeeded to the throne of his ancestors.

As against this, Sir Charles Jackson states (p. 17 of *A Vindication of the Marquis of Dalhousie*) that "the sovereignty of Nagpore was bestowed as a gift upon a Goojur by the British Government in 1818." The Duke of Argyll quotes with approval Dalhousie's protest against "the gratuitous alienation of the State of Nagpore for the *second time*."

(2) First Nagpore Blue-book, p. 80.

after thi five years of faithful and useful alliance; during which per upwards of two crores of Nagpore rupees[1] were paid to British Government as subsidy and during which period the Rajah's troops marched four times across the Nagpore frontier to the assistance of the paramount power.

But it seems to be objected that though Janojee Bhonsla was next of kin, an adoption, according to Hindoo law and Mahratta custom was insufficient; that his blood relationship was insufficient; and that an adoption approved and confirmed by the Imperial power was required, to make that relationship operative and productive of a title to succession. But where is such a limitation to be found? In the treaty there is no trace of any disallowance or restriction of the ordinary Hindoo law of inheritance. And should it be held that any such restriction was essential in the contemporary position, or derivative from the gradually altered position of the parties to the treaty, it is at least certain that no right of restriction was at any time openly claimed or communicated by the superior, conceded or acknowledged by the inferior power. The treaty of 1826 guaranteed the Nagpore dominions to the Rajah, "his heirs and successors." Now, whatever control over the descent of the sovereignty may be claimed by the paramount power, the Bhonsla family must be allowed to have *some* law of inheritance. Acoording to Hindoo law and Mahratta custom Janojee Bhonsla was declared by all the members of the family to be the next of kin and *heir* to the late Rajah, and as such adopted by the widows. According to English, European, I may say universal law, in default of direct descendants in the male line, he, the direct descendant in the female line, was the natural heir to any sovereignty, title, estate or personal property descending from his ancestors. By what law, by what semblance of law, can this heir be excluded? The British Government cannot have at once as much and as little of Hindoo law as will exclude him;—just so much as requires the

(1) About two millions sterling.

form of an adoption to render his blood-relationship effective for succession, and just so little as enables it to step in and to disallow that adoption. It must be remembered that not only does Hindoo law under certain circumstances confer the right and obligation of *adoption* upon the widow, but Mahratta custom very clearly confers the right *to be adopted* upon the nearest relative whose parents consent to resign him. There is a right to be adopted as well as a right to adopt; and in the present case there never was the shadow of a doubt as to the respective persons in whom those rights existed when the Rajah died,—his widow and his grandnephew.

Wherever we have guaranteed a Principality to a Hindoo Prince, "his heirs and successors," surely there can be no boubt that no law of inheritance except the Hindoo law in all its integrity, was ever contemplated by either party to the treaty. And the addition of the word "successors", indicates that the protecting power claims no right to interfere in the domestic policy of the reigning family, except so far as it is entitled to do so by the express stipulations of the treaty.

Nothing but the express stipulation of a treaty can give us any right to mutilate the Hindoo law of descent, or to ordain that adoption shall be good for the conveyance of private property, but not for succession to a Principality.[1] There never was any precedent for so preposterous a distinction until, within the last ten years,[2] —under erroneous constructions which have

(1) See note 1, on p. 153 *supra*, where Sir William Lee-Warner's defence of the position is given......"But he Hindu law also recognises a fundamental distinction between private property tnd a chiefship. This division of public and private interests may be traced in ths rules governing the partition of family estates in which all sons have a share. They may claim even against the father a partition of the family property. But such is not the case where a chiefship is concerned ..... Adoption and succession to rule are perfectly distinct."

(2) [Ed.] Successions by adoption were respected by the British Government till 1841, as in the cases of Bhopal (1819–20), Kotah (1825–29, the first Gwalior Succession case (1826–7), the first Indore Succession case (1835–4), the Datia case (1833), the second Gwalior Succession case (1836–43), Dhar 1834), Orchcha and Banswara.

excited the greatest alarm and indignation,—the British Government made some such precedents as those of Sattara and Jhansi. Not only have all Hindoo Princes a right to the full benefit of Hindoo law, but they have the right to regulate the succession by their own family customs and their traditionary state policy, so long as they can carry it out peaceably. This is, I am convinced, the only true interpretation of the expression their "heirs and successors." The heir is an heir according to Hindoo law, and who succeeds *de jure*; the successor is a future ruler *do facto* of the State with which the treaty is made; and while every rightful heir on his accession is a successor, that word also provides for and includes every case of doubt, or dispute, or actual change of dynasty, in which although the British Government might not consider itself bound by duty or interest to interfere on either side, it is thus enabled to insist that all local engagements and obligations shall be preserved inviolate.

The world "heirs" is used in all European as well as in Indian treaties, to denote the regular succession in the reigning family; the word "successors,"—translated in Persian "*jae nisheenan*," literally "sitters in the place,"—while including all heirs, is used to denote the succession of sovereign power, and to prevent engagements becoming invalid by national or family revolutions and abdications. Thus treaties made with the elder branch of the Bourbons, and with the King of the French, are binding upon the Emperor Napoleon, who is their successor though not their heir; and our treaties made with the King of Naples are binding upon the King of Italy. The word "successors" has no reference to genealogical descent, but to the descent of the functions of sovereignty.

And although there may appear to be but little scope for irregular successions and dynastic changes in petty, protected feudatory Principalities, it is undeniable that the ties of our absolute *de facto* supremacy over every State in India, have been

drawn much more closely than before during the last twenty years, and that the extent of our interference has always depended, and always must depend, on the political circumstances and aspect of the time. When there was a disputed succession at Jhansi in 1835, the Supreme Government authorised Mr. Begbie, the Political Agent, to recognise Ragonath Rao, the Rajah who actually succeeded, but added,—"it being presumed that he is able to establish his authority, and that his succession will be acknowledged by disinterested parties at Jhansi."[1] These qualifying expressions indicate no absolute dictation to the family, no positive claim to regulate or restrict the succession.

Now the position of Jhansi,—where this freedom of action was allowed,—undoutedly was that of a petty, protected, subordinate state; but the Rajah of Nagpore was never treated or considered as a dependent or feudatory Prince. In the year 1826, when the late Rajah Rughojee Bhonsla was approaching his majority, Sir Richard Jenkins wrote as follows:—"The early restoration of the State of Nagpore to its rank as one of the substantive powers of India,[2] continued to be the earnest wish of the Governor-General in Council."[3] According to the accepted ceremonial and political traditions of India, the Bhonsla was the first in rank and precedence of all the confederated Mahratta Princes, both under the Rajah of Sattara's and the Peishwa's supremacy. Scindia, Holkar, and the Guicowar were *originally* Soobadars appointed by the Peishwa; the Bhonslas, although their ancestor was sent as Sena Sahib Sooba to Berar by the Rajah of Sattara, acquired the principal provinces of their kingdom by conquest and treaty from the ancient Gond

(1) Jhansi Blue Book, p. 17. [Ed.] See next letter.

(2) Janoji Bhonsle was appealed to by the Nawab Mir Kasim to help to attack the English. He wrote to the English authorities in Bengal for the payment of *chauth* which Raghuji Bhonsle had extracted from Nawab Alivardi Khan. The services of the Bhonsles to the English in the First Maratha and Second Mysore Wars may be remembered in this connection.

3. Nagpore Report, 1827, p. 314.

and Rajpoot rulers; and although they continued to receive investiture of the office of Sena Sahib Sooba from Poona, the *teeka* or mark of royalty, on their accession to the musnud, was given by the aboriginal Lord of the soil, the Gond Rajah. Their submission to the Peishwa, though frequently extorted, was never distinctly acknowledged.[1] And it has been already satisfactorily established that the State of Nagpore was not conferred as a grant or a gift on the late Rajah, that no new Principality was created in his favour by the British Government, but that by its forbearance and favour he succeeded to the throne of his ancestors.

The conclusion is not to be avoided that the reigning family of Nagpore; "one of the substantive powers of India," had the right to retain its own law and custom of inheritance, and, in short, to arrange its own household affairs without the interference of the British Government, unless it should have been necessary to prevent bloodshed, or unless an appeal had been made by some member of the family against violent exclusion and usurpation. Such was and is the view taken and acknowledged by the British Government until a very late period.

A reference to Sir Richard Jenkins's Nagpore Report will prove that that eminent and experienced officer, in the year 1827, never doubted the right of a Rajah or his widow to adopt and never supposed that the British Government had by its altered relations with the Bhonsla family acquired the prerogative of

(1) [Ed.] Raghuji Bhonsle I, carved out for himself an independent field of action in Berar and the Central Provinces. He avoided an open rupture with the Peishwa, Baji Rao I, and having carried out a successful raid in the Carnatic, "attained, in the estimation of the king (Maharaja Shahu), a position by no means inferior to that of Baji Rao himself." In 1742, he precipitated an open conflict with the new Peishwa, Balaji Rao, that was eventually adjusted at Satara by Shahu himself in the autumn of 1743. Raghuji and Balaji, though often plunged in jealous intrigues against each other, managed to avoid an open clash; and Raghuji had the good sense not to join the enemies of the Peishwa on Shahu's death. The brave Peishwa, Madhava Rao I, converted the Bhonslas from age-long opponents into friends and supporters. (see C. U. Will's—*The History of the Nagpur State* and G. S. Sardesai's *Selections from the Peishwa Daftar*—20. *The Bhonsles of Nagpur*).

investiture or any power of interference with the Mahratta customs of inheritance. Lord Dalhousie thus disposes of the recorded opinion to the same effect of Major Wilkinson, who was Resident at Nagpore in 1840:—"Major Wilkinson considered that the Rajah had been placed in exactly the same position as had been occupied by Appa Sahib, and that he or his widow would have a right to adopt. This view was certainly not accepted by the Government of India, *for* no reply was ever made to the Resident's letter."[1] This I think constitutes what is commonly called a *non sequitur*. It would be in fact equally reasonable for me to say:—"This view certainly *was* accepted by the Government of India, *for* silence gives consent."

In the year 1844 the Governor-General in Council, in reply to the Resident Colonel Speirs' request for instructions in the event of the Rajah dying without issue, made a distinct recognition of the right of adoption by the Rajah, and by members of the family in case of his death without having made an adoption. The passage to which I allude is the more worthy of attentive consideration, because it is quoted in Lord Dalhousie's Minute,[3] para 26, as a proof that the question of adoption was "*left open*" by the Government of India. But the passage will not bear such a construction. It is as follows:—"In the event of the death of the present Rajah, without leaving children, or *an adopted son*, you should make arrangements for conducting the Government of Nagpore, pending the orders of the Government of India, which orders will be based on the circumstances that may present themselves at the time, *and the right to make the adoption which might be considered to attach to any surviving member of the Rajah's family.*"

(1) First Nagpore Blue-Book, p. 29.

(2) [Ed.] Not a strict inference; a conclusion which does not follow from the premises stated.

(3) First Nagpore Blue Book, p. 30.

The right of the Rajah himself to adopt a successor (*which Lord Dalhousie denied* [1]) is here clearly recognised; while to say the least, no doubt, no hint of disapproval is thrown out against the contingent right of the widow or the surviving relative to adopt on behalf of the deceased Rajah. The ordered reference to Calcutta in such a case is obviously intended to guard against a disputed adoption, but conveys no doubt as to the general right.

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(1) Vide para, 27 of his Minute, First Nagpore Blue-book p. 30.

LETTER VIII.

JHANSI.

The last Rajah of Jhansi, Gungadhur Rao,[1] died on the 21st November, 1853, having on the 19th of the same month adopted a young kinsman as his son. This boy, named Anund Rao, was the sixth in descent from the common ancestor, Ragonath Rao the 1st. and received after the ceremony of adoption the name of Damoodhur Gungadhur Rao. Of the regularity of the adoption in every point of view there never was any doubt or question raised; the dying Rajah announced the step he had taken in the presence of the two British officers,—Major Ellis, the Political Agent, and Major Martin, who commanded a detachment of Scindia's Contingent stationed at Jhansi—and with his own hand he delivered to those officers letters to the proper authorities, commending his adopted son and his widow to the protection of the British Government. Indeed the adoption was recognised as regular and irreversible, both by the orders of the Supreme Government that Damoodhur Gungadhur was to succeed to his adoptive father's private property, and by the terms of the proclamation issued on the receipt of the final orders of annexation. That point therefore is not in dispute. The decision of the Government on the point is summed

(1) [Ed.] Gangadhar Rao was the brother of his predecessor who died after three years of rule, without any heirs of the body in 1838. Various claimants came forward to dispute the succession. Lord Auckland had no thought of annexing the state and appointed a commission of inquiry, composed of British officers, to investigate and report on the pretensions of the several claimants. And in consequence, Government, "rightly considering that if the deceased Rajah had any title to the succession, his brother had now an equally good title, acknowledged Gangadhar Rao's right to succeed to the hereditary chiefship." Since he was not competent, Government undertook to administer the state for him. But in 1843 he was given back the power of rule, though a portion of the Jhansi territory was taken over by the British for the support of the Bundelkhand legion. He ruled for ten years and died childless, like his two predecessors.

up in the following words: "The adoption was good for the conveyance of private rights, though not for the transfer of the Principality."[1]

I shall not stop to ask for any precedent or principle on which such an anomaly can be sustained as that of a Prince whose acknowledged "heir" is not admitted to be his "successor" in the Principality; it is not necessary to enquire whether the King of Delhi or the Peishwa[2] ever dealt so with their unguaranteed dependents; because in the present case the hereditary succession is guaranteed by a treaty, by which alone the question can be decided. When the territories in the possession of Sheo Rao Bhow, Soobadar of Jhansi, were confirmed by the British Government "in perpetuity" to his grandson Ramchund Rao, "his heirs and successors", by the treaty of 1817, it was certainly not contemplated by either party to the treaty that the heir of a Soobadar of Jhansi could under any circumstances fail to be his successor. No other law of inheritance was intended or thought of except the Hindoo law of inheritance, in which adoption is an ordinary and essential incident. No article or stipulation in the treaty gave us the right to interfere with the operation of the Hindoo law, to mutilate it, or to substitute any other law of descent.

(1) Jhansi Blue Book, 1855, p. 31.

(2) [Ed.] Major Bell declared in another place that "in all the minutes and despatches penned in 1848 to justify the annexation of Sattara, no one ever professed to refer *by name or date*, to a single *old* precedent, either of our own or of any previous government, for forbidding the adoption of a successor by a Hindu prince; but the existence of such precedents was presumed and pronounced with an audacious confidence that is quite surprising." The cases of Mandavi and Colaba, both annexed in 1844, marked the commencement of an era of annexations; "but even viewed as imperfect precedents, they were in 1848 quite new and of our own creation."

Major Bell continued that Mr. Willoughby alleged annexation right as "the universal and immemorial custom of India;" Lord Dalhousie minuted that it was "the ordinary and invariable practice, the power acquired by the British Government as successors to the Emperor and the Peishwa"; and R. D. Mangles wrote that "it was the right universally exercised by all the paramount authorities throughout India" (*Sattara Papers*, 1849). Major Bell declares that "not a particle, not a vestige of documentary evidence of such a prerogative having been ever exercised, or asserted, by the Emperor, or by the Peishwa, not a historical fact bearing upon it, not a single precedent for annulling an adoption, has ever been, or can be adduced from the records of any of the Governments that preceded us."

A singular feature in the inquiry which preceded the annexation of Jhansi in 1854, is the citation of Lord Metcalfe, both in the Note by the Secretary to Government and in the Governor-General's Minute, as an authority for the prerogative of confirming or invalidating adoptions in dependent States, whereas his opinion, as may be very easily shown, was directly contradictory of that supposed Imperial right.

Lord Metcalfe,[1] in reference to the Chiefs of Bundelcund, observes that there is a wide distinction to be drawn between "Sovereign Princes" and "Jagheerdars," "between those in possession of hereditary Sovereignties in their own right, and those who hold grants of land or public revenue, by gift from a Sovereign or paramount power.

"The British Government has never possessed the right of disallowing adoptions for its own purposes; even where it has retained from its predecessors, or asserted in a treaty or grant, the prerogative of investiture over minor Principalities, it has no more right to forbid the succession of an adopted son than of a lineal male descendant.....In the case of a Hindoo Prince with whom a treaty of perpetual friendship and alliance has been contracted, not even the prerogative of investiture exists..." *Retrospects and Prospects of Indian Policy*—pp. 11–12.

(1) [Ed.] Sir C. Metcalfe, then Lieutenant-Governor of the North-West Provinces, pointed out, in a celebrated minute of his, dated 28th October 1837 (vide J. Kaye's *Selections from the Papers of Lord Metcalfe*—pp. 318–320) a flaw in the reasoning of Mr. Simon Fraser, Agent for Bundelkhand, who supported in the Orchha Case (1837) the right of the British Government as the paramount power, to resume hereditary territory which lapsed for want of heirs.

Sir Charles wrote:—"The question is whether chiefs and princes, not having heirs of the body, have a right to adopt a successor, to the exclusion of collateral heirs, or of the supposed reversionary rights of the paramount power, and whether the British Government is bound to acknowledge the adoption.

In the disposal of this question there is a wide difference between sovereign princes and jageerdars, between those in possession of hereditary sovereignties in their own right and those who hold grants of land or public revenue by gift from a sovereign or paramount power."

After minuting the three paragraphs quoted in the text, Sir Charles goes on with the succeeding ones that are here summarised. In the case of Muhammadan princes it is doubtful whether they have by law a right to adopt to the exclusion of collateral heirs; and "the safest way, where we are paramount or have a right to interfere, is to acknowledge the legitimate successor according to Mahomedan law."

In the case of Bundelkhand, "those with whom we have treaties and who were sovereign princes before we were connected with Bundelkhand, will naturally be considered as such now." There is however an intermediate class, "neither sovereign nor subject, with whom we have engagements distinct from treaties or grants and whom it may be difficult to assign precisely to either of the preceding classes." In such cases discretion may be exercised.

"In this minute, as Ludlow points out, there is a flaw; *viz.*, the substitution of official generalisations of classification for specific treaty obligations and the non-

"Those who are Sovereign Princes in their own right and of the Hindoo religion, have by Hindoo law a right to adopt, to the exclusion of collateral heirs, or of the supposed reversionary right of the paramount power; the latter in fact, in such cases, having no real existence, except in the case of absolute want of heirs; and even then the right is only assumed in virtue of power; for it would probably be more consistent with right that the people of the State so situated should elect a Sovereign for themselves."

"In the case therefore of Hindoo Sovereign Princes, I should say that on failure of male heirs of the body, they have a right to adopt, to the exclusion of collateral heirs, and that the British Government is bound to acknowledge the adoption, provided that it be regular and not in violation of Hindoo law."

"With respect to chiefs who merely hold lands or enjoy public revenue under grants such as are issued by a Sovereign to a subject, the power which made the grant, or that which by conquest or otherwise has succeeded to its rights, is certainly entitled to limit succession *according to the limitations of the grant, which in general confines it to heirs male of the body,*

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stressing of the fact that, even as against the British Government, "the actual treaty engagements entered into with the several chiefs were what they had a right in the first place to appeal to, and no theory of Agents or Lieutenant-Governors or Governors-General as to whether a chief came or not within the category of sovereign princes, could stand against the words of a definite treaty." The definition of Metcalfe was later turned to deadly effect by Dalhousie (*vide* Ludlow's *Thoughts on the Policy of the Crown towards India*: 1927 reprint—pp. 80–1).

In 1841, Robert Hamilton, Secretary to the Government of the N. W. Provinces, spoke of the recognition of an adoption by the British as "that which under any circumstances, must be a relaxation of its own strict right of resumption on failure of direct heirs." Mr. Maddock, Secretary to the Supreme Government, talked of the princes of Bundelkhand as having become "in effect, feudatories and dependent jaghirdars, whose estates, in default of heirs, would lapse to the British Government"; and he identified the right of the paramount power to sanction adoption with that of annexing the state on ground of lapse.

Lord Auckland, in a minute of 2nd January, 1842, relied upon Sir Charles Metcalfe's interpretation of the right of a sovereign prince to adopt and held that the Raja of Orchha was entitled to make an adoption at his own discretion, basing that right upon express treaty obligation. Unfortunately this was the last instance of a generous attitude taken up by the Paramount Power on the questions of adoption.

(For Metcalfe's views, see note 1, on p. 172 above).

and consequently precludes adoption. *In such cases*, therefore, the power which granted, or the power standing in its place, would have a right to resume on failure of heirs male of the body."

It will be observed how restricted a right of resumption is allowed by Lord Metcalfe even in a case of Jagheerdars; he considers that the sovereign only has the power of refusing to sanction adoptions, when "*the terms of the grant limit succession to heirs male of the body*". But although this paragraph is quoted by Lord Dalhousie in support of his argument for the annexation of Jhansi, it is obvious, that it was intended to refer to a totally different class of possessions; and moreover even if Jhansi were reducible to the category of Jagheers or grants of land,[1] there is no "limitation of the grant, confining its succession "to heirs male of the body."

But the Rajah of Jhansi was clearly not a Jagheerdar; nor did he, as erroneously stated several times in the late Governor-General's Minute, hold his Principality as a "grant;" nor did either his father Sheo Rao Bhow, or his nephew Ramchund Rao receive it as a "gift" from the British Government.[2]

For many years before the treaty of 1817, the authority and influence of the Court of Poona had almost entirely ceased in Bundelcund. Under these circumstances Sheo Rao Bhow was

(1) [Ed.] Metcalfe was particular in asking the Agent to classify the princes and chiefs of Bundelkhand with reference to the classes described in his minute, and submit a statement of his reasons for placing each in the class to which he might have assigned him and a copy of the treaty, engagement or grant by which each chief was connected with the Government. Those chiefs who had treaties with the British power and who were sovereign princes before, should belong to the class of sovereign princes (*vide* his minute of October 28, 1837).

(2) [Ed.] Lord Hastings declared (*vide* his *Private Journal*, Vol. II; p. 235) that the chiefs of Jhansi were originally officers entrusted by the Peishwas with the temporary command of the district; "but one of them, who was a man of head as well as of courage, succeeded in making the Soobadarship hereditary in his family, maintaining in other respects towards the Peishwa relations of fealty with some pecuniary payments. The Soobadar is now our feudatory."

able to render us valuable military assistance;[1] and in 1804 while formally recognising the sovereign rights of the Peishwa we made a treaty of "defensive alliance" with his nominal tributary the Soobadar of Jhansi. During the political supremacy of the Peishwas, all office, from the government of a Province to the charge of a garden, had a tendency to become hereditary. Mahratta chieftains of much greater importance than the Soobadar of Jhansi were really proud of investiture by the Peishwa, were content to own his supremacy, and were careful to avoid any open assertion of independence which would have thrown them into a dangerous position of political isolation. But they preserved all substance of power; and their hereditary rights were never in any one instance denied by the federal head.

The policy of the Peishwas was to preserve every old custom as far as possible intact, to respect practically every one's rights and rank, but to leave all titles to possessions and power in a state of vague uncertainty, by which means they retained the semblance of supremacy over their most formidable rivals, and were always prepared to take advantage of disputed successions and other opportunities for extending their substantial authority or for obtaining pecuniary contributions. In fact the Maharatta confederation, in the period of its greatest unity and coherence, was kept together by a system of compromises and formalities. The Peishwa's own authority constituted the greatest paradox of all, since he professed to act as the first minister and obedient servant of the Rajah of Sattara, whom he kept in close confinement. But in 1817, those anomalies

(1) "Soon after Captain Baillie's arrival in Bundelcund he received proposals from the Soubadar of Jhansi, who holds the fort of that name and its dependent districts under the *nominal* authority of the Peishwa. On the 4th of January, the Soobadar of Jhansi arrived in the British camp.

"The troops of the Soubadar of Jhansi have since been employed in co-operating in the defence of Bundelcund and the adjoining districts. The example of the Soubadar has induced several other chiefs in that quarter to place themselves under the protection of the British Government." Despatch of the Governor-General in Council to the Secret Committee, April 1804; Marquis Wellesly's Despatches, Vol. V; p. 92.

were to disappear: by the treaty of Poona the Peishwa Bajee Rao renounced his "former situation as Executive head of the Mahratta Empire," and transferred his "interests and pretensions in Bundelcund," to the British Government.[1] And while the Peishwa's policy had been to leave the rank and the rights of all in a state of uncertainty, our policy was to define and fix carefully and exactly the rights and privileges of each Prince, and his relation with the paramount power. A new treaty[2] was therefore made with the Soobadar of Jhansi, by which the political supremacy of the British Government was enforced, while the sovereign rights and actual possessions of the Soobadar were secured to him and his family. We consti-

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(1) Volume of Treaties, pp. 273, 275.

(2) [Ed.] Before the treaty concluded in 1817 with Rao Ram Chand, minor Subhadar of Jhansi, there was already in existence a treaty of friendship and alliance which was formed in 1804 by (1) a *wajib-ul-urz* (paper of requests) presented by Shiva Rao Bhao, the chief of Jhansi, and acceded to by Lord Lake and (2) a supplementary treaty which purported to afford additional security and confidence to Shiva Rao Bhao and to constitute an additional pledge of his fidelity and attachment to the British Government. According to this treaty of 1804, the Bhao professed friendship and attachment to both the British Government and the Peishwa and agreed to continue the customary tribute to the latter.

Shiva Rao Bhao was succeeded in 1815 by his grandson, Ram Chand Rao with whom a new treaty was made in 1817, after the Peishwa had ceded his rights in Bundelkhand to the British Government by an agreement concluded on the 13th June 1817. The preamble of the treaty of 1817 with Jhansi distinctly laid down that the whole of the rights of the Peishwa over the principality of Jhansi having been transferred to the British Government, "in consequence of that transfer the relations established by the former Treaty between the British Government and Jhansie have become virtually extinct." In consideration of the very respectable character of Shiva Rao Bhao and "his uniform and faithful attachment to the British Government, and in deference to his wish expressed before his death that the principality of Jhansie might be confirmed in perpetuity to his grandson......the British Government has consented on certain conditions, to constitute Row Ramchund the hereditary chief of the lands held by the late Row Sheo Bhow at the commencement of the British Government in Bundelcand and now possessed by the Government of Jhansie."

The treaty of 1817 confirmed, by its first article, the treaty of 1804; in the next article, it "acknowledged and hereby constituted Row Ramchund, his heirs and successors, hereditary rulers of the territory enjoyed by the late Row Sheo Bhow, at the period of the commencement of the British Government, and now in the possession of Row Ramchund, excepting the Pergunnah of Mote......"

J. M. Ludlow says of the treaty of 1817 that the name of the ruler, Ramchand Rao, was clearly used in it as "the mere personification of the state" and is synonymous with the principality of Jhansi and the Jhansi Government; and "the two terms, the *Jhansi Government* and the *British Government*, are treated as exact correlatives." Thus the Jhansi forces are to co-operate with the British on all occasions where "the interest of the two governments may be mutually concerned" (art 4). And also the British Commanding Officer "shall not in any manner interfere in the internal concerns of the Jhansi Government" (art 7). Mr. Ludlow further

tuted him "the hereditary ruler" of Jhansi; confirming the territory "in perpetuity" to him, "his heirs, and successors", but not in any article or in any expression assuming or pretending to make a gift or a grant, to cede to him or to confer upon him that territory, the possession and government of which had previously been enjoyed by his grand-uncle and his grandfather, to the latter of whom he had himself succeeded, while yet under the nominal supremacy of the Peishwa.

On the condition of his continued faithful alliance and subordinate co-operation, we offered him a higher status and a better security than he had inherited as a tributary of the Peishwa.[1] Under the Peishwa's supremacy the hereditary tenure

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quotes Mr. J. B. Norton who maintains (*Rebellion in India*, p. 107), quoting from Grotius, that "if a contract is made with a king, it is not therefore presently to be reputed personal...if it be added to the treaty that it shall stand for ever or that it is made for the good of the kingdom, or with him and his successors...it will from hence fully appear that the treaty is real." Again Wheaton's dictum (*International Law*, p. 41) is quoted that "the obligation of treaties, by whatever denomination they may be called, is founded not merely upon the contract itself, but upon those mutual relations between the two states which may have induced them to enter into certain arrangements;" and that "whether the treaty be termed real or personal, it will continue so long as these relations exist."

On these grounds it can well be maintained (1) that Jhansi is a sovereign state according to the principle of Metcalfe's classification (see p. 229) and (2) the treaty made with Ramchand Rao in 1817 is a real one.

(1) [Ed.] The occupation of Bundelkhand by the Peishwa was due to the fact that Baji Rao I was invited from the Deccan to repel the invasion of Muhammad Khan Bangash, the Pathan chief of Farrukhabad, on the province which was governed by Raja Chhatarsal. The Maratha victory was followed by Raja Chhatarsal's adoption of the Peishwa as his son and by the distribution of his territory between his two legitimate sons and Baji Rao. Thus to the Peishwa were bequeathed lands that yielded 33 lakhs and included Kalpi, Sagar, Jhansi, Sironj, and Hardenagar. Baji Rao put in charge of his Bundelkhand possessions, Govind Ballal Bundela and made him governor over them in 1733. These possessions were largely extended by later conquests. Ali Bahadur, son of Shamsher Bahadur, who was an illegitimate son of Baji Rao, went in the train of Mahadji Sindia to Bundelkhand, took advantage of the confusion prevailing there among the descendants of Chhatarsal and soon established his authority over the greater part of the province. He concluded a treaty with the Peishwa, Baji Rao II, by which the sovereign and paramount rights of the Peishwa over all his conquests were declared and recognised (1802). Ali Bahadur died soon after this.

The Treaty of Bassein (Decr. 1802) ceded to the British Government from the Peishwa territory in Bundelkhand yielding 36 lakhs of rupees a year. When the treaty was opposed by the Sindia and the Bhonsle and when Jaswant Rao Holkar planned to make a raid into the districts of Mirzapur and Benares by way of Bundelkhand and with the aid of Shamsher Bahadur, son of Ali Bahadur, Raja Himmat Bahadur, the latter's chief ally, decided to abandon Maratha interests and to assist the British in their endeavour to occupy Bundelkhand. Shamsher Bahadur

of Jhansi was never denied, but it was unguaranteed, and was subject to the payment of and indefinite *nuzzur* for investiture; the Soobadar's authority was supreme in his own territory, but his obligations and allegiance were undefined; and though his independence had for many years been little more than nominal, political changes might at any time have brought him into more strict subordination, and exposed him to heavy exactions.

I am very far, therefore, from asserting that the two States came to terms as two States of equal power and dignity; that no concession was made by the British Government or that no superiority was acknowledged by the ruler of Jhansi. On the contrary, in the preamble to the treaty of 1817, the former position of Ramchund Rao and his predecessers as tributaries of the Peishwa, and the transfer of that Sovereign's rights to the British Government, are expressly mentioned. But in that same preamble and in the 2nd, 3rd, 4th, and 7th Articles, the parties to the treaty are specified as "the British Government" and the "Jhansi Government," and as the "two Governments." Is the form, is the style of this document[1] that of a grant, such as is issued by a Sovereign to a subject?"[2]

Lord Dalhousie in his Minute, paragraph 6, declares that Jhansi[3] was held by a chief under a very recent grant from the

was foiled in his attempts and forced to retire into obscurity with a pension (1804); and Raja Himmat Bahadur who had been given districts in Bundelkhand, died in the same year when his lands were resumed.

The British Government retained in its own possession lands on the banks of the Jumna yielding about 14 lakhs. The chiefs who held the remaining portions were maintained in their territorial rights and required to serve as a barrier against the inroads then meditated by Jaswant Rao Holkar. "As the authority of the Peishwa in Bundelkhand was little more than nominal, it became necessary for the pacification of the country to enter into engagements with the chiefs holding lands in the Peishwa's share of the province, securing to them the rights they enjoyed under Ali Bahadur's government on condition of allegiance and fidelity." (Aitchison—Vol. V; 1909) pp. 4-5).

(1) Jhansi Blue-book, p. 22.

(2) [Ed.] *vide* Note (1) on p. 233.

(3) Jhansi Blue book, p. 20.

British Government as Sovereign, and in paragraph 12, "under a grant such as is issued by a Sovereign to a subject;" but I think that I have already adduced sufficient proof that this view of the question is incorrect.[1] The preamble and the first Article of the treaty of 1817, prove that the first treaty of 1804 was in full force during the first three years of Ramchund Rao's reign, and that a new treaty was only concluded "*in consequence*" of our altered relations with the Peishwa. There was no gift, because Ramchund Rao was already in possession; there was no pretension to the relations of Sovereign and subject, for there already existed relations of amity and defensive alliance; there was no grant made, no sunnud issued, but a new treaty was concluded between two States. The Rajah of Jhansi was not a Jagheerdar, but a "hereditary ruler," a Hindoo Prince.[2]

(1) [Ed.] Major Bell has shown that "Jhansi was not held by a *grant*, but by the Treaty of 1817, renewing and confirming a treaty of 'defensive alliance' made in 1804, when the Soubhadar was still under the nominal supremacy of the Peishwa. The supremacy, being transferred to the British Government in 1817, was to be made real and definite. By the new Treaty the possessions of the Soubhadar are secured 'in perpetuity' to him, 'his heirs and successors'; no article or expression in it pretends to make a gift or a grant to the actual ruler, the third of his family, who had succeeded his grandfather in 1815, three years before the new Treaty was proposed." p. 22 of *Retrospects and Prospects of Indian Policy* (1868).

(2) [Ed.] In the *wajib-ul-urz* presented by the Raja of Jhansi to Lord Lake, the Commander-in-Chief, on the 18th November, 1803, three months before the actual conclusion of the Treaty of 1804, Shiva Rao Bhao insisted, as a first condition, that "the degree of rank and respectability which I have hitherto enjoyed under His Highness the Peishwa shall be continued and increased under the British Government"; and in the next place, "the country and forts which I at present hold under the authority of His Highness the Peishwa, shall remain in my possession and the revenue which I have hitherto paid to the Peishwa shall hereafter be paid into the Company's treasury." There is also another request of the Subhadar for rendering legal his new attachment to the British Government; and this is contained in clause 4, of the urz and says: "If the Honourable Company be desirous of possessing my country and fort, they are masters and every way powerful and I am ready to submit; but as the British Nation and His Highness the Peishwa are at peace and as a Treaty exists between them let an order of His Highness be produced, that I may perform the duty of allegiance in obeying that order."

The petition contains also a request that the possessions of the chiefs of Chanderi, Datia and other places should be guaranteed by the British Government and the revenue which they had paid to the Peishwa should be paid to the British Government.

Article 6 of the Treaty of 1804 also stipulates that Shiva Rao Bhao need pay only the tribute that he had been paying to the Peishwa, and "the British Government do not demand any tribute for themselves." Article 4 secures him the right to be the commander of his own troops, except when the latter should be acting with the British forces; and it declares that "the Bhao is in reality the commander of his own troops."

There are still two statements contained in the late Governor-General's Minute on Jhansi, which require notice. The first is contained in the following sentence of paragraph 7: [1]—"The chief thus made hereditary retained however *his inferior position*, and was not named *a Rajah* until 1832." Now it may be true that the title of Soobadar or Rais[2] is inferior to that of Rajah, just as that of Grand Duke or Elector is inferior to that of King; but the inferior title involves no inferiority in Sovereign power or hereditary right, while I presume Lord Dalhousie did not wish to imply that the superior title and insignia conferred upon Rao Ramchund by Lord William Bentinck in 1832, invested him with any new authority or privilege or immunity, or rendered him less dependent on the paramount and protecting State. The observation appears, therefore, to be irrelevant to the point at issue.

The hereditary rights of the Rajah's of Jhansi were guaranteed by the treaty of 1817, without reference to their titles or insignia, and that treaty contained no clause or expression restricting the ordinary operation of Hindoo law, or giving any right of confirmation or investiture to the British Government. Scindia, Holkar and the Guicowar were originally Soobadars and feudatories of the Peishwa; their personal and hereditary rights before the year 1817 differed in no respect from those of the Soobadar of Jhansi; their virtual independence rested only on their great military strength and political influence;[3] and their present undisputed rank as Sovereign Princes rests upon the same foundation as did that of Rajah of Jhansi,—

(1) Jhansi Blue-book, p. 21.

(2) The original and proper meaning of Soobadar is a Provincial Governor; Rais, an Arabic Title, has from a very early period of Mussulman supremacy been applied to a large number of territorial magnates, of diverse rank and political position; the term is still officially used by our Government and is usually translated "chieftain."

(3) [Ed.] The great Mahadji Sindia professed to be but the humble servant of the Peishwa, who, in his turn, was called only the minister, Pant Pradhan, of the shadowy descendants of Shivaji. (See note (1) on p. 105).

their treaties with the British Government. The Peishwa before the year 1817, had never acknowledged their independence or the right of their heirs to succeed without his investiture, nor had they ever openly made any such pretensions.[1] It may also be remarked that the only titles borne by the independent ruler of Hyderabad are those of Nizam-ool-Moolk, conferred upon his ancestor while he was merely a Minister at Delhi, and of the Soobadar of the Deccan;[2] and it is well known that nothing could induce that Sovereign to accept or assume the title of King.

The second error is of very much greater importance, and is four times repeated:—in the last sentence of paragraph 7 it is said,—"In 1835 Rao Ramchund died. *Although he had adopted a boy as his successor the day before his death*, the adoption was not recognised; and his uncle Rugonath Rao was declared Rajah:"[3] —again in paragraph 11. "There is no need of and no room for argument on this head. The historical facts on record negative the Ranee's assertion conclusively; *for Rao Ramchund did adopt a boy, but the British Government did not acknowledge the boy as successor*, and it nominated another person to be Rajah."[4] In paragraph 12 it is stated that *a previous adoption by a Rajah* whom the British Government constituted hereditary

1. Marquis Wellesley's Despatches, Vol. IV; p. 161.

Governor-General to Secret Committee of 13th July, 1804, para 93.

"Dowlut Rao Scindidia expressed great anxiety for the introduction of a stipulation, by which the British Government should engage to employ its influence in securing from the Peishwa in favour of Dowlut Rao Scindia that treatment and consideration which was due to Dowlut Rao Scindia's rank, and was consistent with usage. Dowlut Rao Scindia also expressed an earnest desire that his right to countries, which he held under grant from the Peishwa, and of which he had taken possession, in consequence of orders from His Highness, should be recognised in the treaty of defensive alliance, and that the British Government would employ its endeavours to prevent the subversion of any acts of Dowlut Rao Scindia or his ancestors, under the authority reposed in him or them by the Peishwa."

(2) [Ed.] When Sir Richard Temple visited, as Resident, the court of the Nizam in 1867, he found that the surroundings of the Ruler's palace were commonplace and was told in explanation that the theory still held was "the Nizam was only encamped in the Deccan on behalf of the Great Mughal and therefore no permanent palace had been erected (*The Story of my Life*—Vol. I; p. 170).

(3) Jhansi Blue book p. 21.

(4) Ditto, p. 22.

chief of Jhansi, *was not acknowledged by the British Government.*" And in the last sentence of the same paragraph *the existence of a precedent*" for refusing to sanction adoption, is asserted.

Lord Dalhousie assumes that Rao Ramchund did undoubtedly adopt a son before his death, and that the British Government on that occasion exercised the prerogative of forbidding to recognise the adoption. The facts are very different.

There was a disputed succession in 1835;[1] there were four claimants. *The fact of the adoption was denied* by the adverse parties. In the note on Jhansi by the Secretary to Government, the decision in 1835 is thus described:—[2] "On this occasion the lawful heir by blood, descended of the body of Sheo Ram Bhow, was recognised as successor to the Raj, to the disallowance of *a boy alleged to have been adopted, or nominated as successor* by the late Rajah the day before his death, who, *if adopted*, would have been unquestionably the heir to any property of his adoptive father to the exclusion of the uncle; and this was done without inquiry into the fact of adoption or nomination (*which was doubtful*) as though it was an immaterial circumstance."

It is to be observed, therefore, that in 1835 the adoption or nomination was doubtful; In 1853 the adoption was not doubtful, or in the slightest degree irregular or suspicious, but

(1) [Ed.] The settlement of 1835 was "not a decision of the British Government at all, but that of a certain party in the Jhansi Durbar." The Jhansi Blue Book says:—"The only decision at which our Government arrived was the decision of not deciding, interposing or even advising in the dispute. The Political Agent was authorised to recognise Ragonath Rao, the deceased Rajah's (Ram Chand Rao's) uncle, who was in actual possession, but no opinion was given as to his right. This statement quoted lower down was interpreted as an instance of the neglect by the British power of their moral duty as "the *de facto* great protecting and pacificatory Power," and as proving the truth of Sir George Clerk's reproach of British inconsistency.

(2) Jhansi Blue-book, p. 18.

was effected in strict accordance with Hindoo law, and in the presence of British officers, and was officially reported to Government in writing by the dying Rajah. There is no parallel here; no precedent can be founded on the decision of 1835.[1]

The settlement of 1835 was either right or wrong. If right,—on account of the adoption having been irregular or doubtful,—then no precedent is arrived at. If wrong, then the fact of a wrong having been done once is no reason that it should be done again. But whether the settlement was right or wrong, it was not a succession decided by our Government, and it is certain that on the death of Rao Ramchund no conclusion as to the power of annulling adoptions was promulgated, for the question was not discussed, not merely because the "alleged adoption" was disputed and doubtful, but because no one in those days had ever thought of claiming that power for our Government,[2] and because on this particular occasion our Government declined to interfere at all.

(1) [Ed.] Sir Charles Aitchison in his historical narrative of lapsed and confiscated states in Bundelkhand (p. 6 of Vol. V of *Treaties Engagements etc.*—1909) says that the treaty of 1817 was interpreted as "guaranteeing the inheritance of Jhansi not to the descendants of Ram Chand Rao only, but of Sheo Rao Bhao also"; and the succession of Raghunath Rao, uncle of Ram Chand, was recognised. Raghunath Rao died without legitimate issue in 1838. Government admitted the right of his younger brother, Gangadhar Rao, to the succession, but retained the management of the state in the hands of its own officials, owing to the Raja's incompetence. According to an agreement concluded in 1842 the administration was handed over to the Raja who died childless in March, 1853.

(2) [Ed.] Successions by adoption were respected till 1841. Thus, when in 1819-20, there was the adoption by the widow of the Nawab of Bhopal, of a successor to her husband dying without male issue, it was sanctioned as a matter of course and arranged that the only daughter of the late Nawab should marry him. In the Kotah case, (1825-29), the Supreme Government declared that the ruler "must be considered to possess the right, in common with all other Hindoos, of making an adoption in common with the rules of the Shaster." In the first Gwalior succession case (1826-7), Daulat Rao Sindia was even pressed to adopt a son during his life-time; and the adoption made by his wife, Baiza Bai, was sanctioned. The Government even declared before hand that in the event of his death without having performed the ceremony and without having authorised his widow to perform it, "they will of course be satisfied with the selection made by the general voice, or by a majority of the chiefs and principal persons of the country, according to usage, whether the letter of the written law be closely adhered to or not."

In the case of Datia, when in 1839 Raja Parichhat died without issue, the succession of the foundling who had been previously adopted by him, was recognised, even

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The fact of an adoption in 1835 not having been proved or admitted, there would have been no ground or motive for exercising the supposed prerogative of confirmation or rejection, even if that pretension had then existed. But it was not in existence, nor had it ever been asserted or alluded to. Therefore in 1853 there was no precedent in existence to cast a doubt upon the right of the Rajah of Jhansi to adopt a son and heir, a right enjoyed by him in common with all Hindoos, but especially removed from our interference by treaties which clearly defined the relations between "the two governments," and which gave

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as against the claims of a collateral who claimed that there was an old agreement by which the succession was to revert to his branch on the failure of the main line.

In the second Gwalior succession case, when Jankoji Rao Sindia died in 1843 without an heir, the adoption made by the widow Tara Bai, with the assent of the great nobles, was approved of by the British Government.

In the case of the Maratha state of Dhar, near Indore, when the Raja, Ramchandra Puar, died, without male issue and but one daughter, his widow adopted the son of one of the nearest relatives of the family with the sanction of the British Government (1833–34).

In Orchha, the oldest and highest in rank of all the Bundela states, Raja Bikramajit Mahendra who had entered into an alliance with the British Government in 1812, abdicated in favour of his son Dharam Pal; but on the death of the latter without issue, he re-assumed the reins of government. He died in 1834 and was succeeded by his brother, Tej Singh. Tej Singh died in 1841, having previously adopted his cousin's son, Sujan Singh. Sujan Singh's right was disputed by the widow of Dharam Pal who herself claimed the right to adopt a successor. Sujan Singh's adoption was recognised by the British Government; he was put under the guardianship of the widow of Dharam Pal; and on his death, she adopted a collateral relative as successor.

"In the case of Banswarra (1838, 1844) we see first the election of a collateral heir as successor to a prince dead without male issue, with the consent of his widow and of the principal chiefs, and next, the immediate adoption by him of a son with the like consent, whose succession in later years was duly recognised by the British Government."

Colaba formed, as it were, "the watershed between the two policies" on the part of the Supreme Government. According to J. M. Ludlow (*Thoughts on the Policy of the Crown towards India*—Letter VII), the spirit of annexation was heralded, even before 1841, by Messrs. Ainslie and Simon Fraser, Agents for Bundelkhand. The former, writing on the Datia succession case, said:—"It is a question whether, in failure of legitimate offspring, of appointing a successor by adoption, or of the existence of any near relation, the Raj would become lapsed to the paramount state, or be left in abeyance *ad infinitum*." He also maintained that the treaties with the chiefs of Bundelkhand were made with individuals in possession and *their successors*: and this term might not necessarily include *relatives through the father*, like uncles, brothers and their children.

Mr. Simon Fraser wrote an elaborate report upon the Orchha case, in the course of which he more than once hinted at the right of the British Government as the paramount power, to resume hereditary territory for want of heirs and at there being no peculiarity in the case of Bundelkhand which should exempt it from the operation of the general rule.

no right of resumption or even of investiture to the paramount power.

The fact is that the settlement of 1835 was not a decision of our Government at all, but that of a certain party in the Jhansi Durbar. The only decision at which our Government arrived was the decision of not deciding, interposing, or even advising in the dispute. The Political Agent was authorised to recognise Ragonath Rao, the deceased Rajah's uncle, who was in actual possession, but no opinion was given as to his right; and these qualifying expressions were added,—"It being presumed that *he is able to establish his authority*, and that his succession will be acknowledged by disinterested parties at Jhansi."[1]

The law of adoption has often been evaded by ambitious relatives, and misunderstood by British authorities. The most remarkable instance of this on record is perhaps that of the Holkar succession in 1834,[2] when the widow of the deceased Rajah having regularly adopted a boy, who had heen approved and selected by her husband before his death, and "of the same tribe and lineage,"—"only three degrees removed from Tookojee Holkar," the Governor-General, Lord William Bentinck, declined to sanction or support the adoption, to allow the British Resident to be present at the installation, or to confer the usual *khillut* of honour upon the young Rajah. The reason assigned

(1) Jhansi Blue-book, p. 17.

(2) [Ed.] Malhar Rao Holkar (18-11-33) died without leaving any issue; but shortly before his death, his wife, Gautamabai and his mother, Masaheba, had adopted, as his heir, Martand Rao Holkar, a relative who was duly installed on the *musnud* and recognised by the British Government, "as the spontaneous unopposed act of the Holkar Government in which the people of the state seemingly acquiesced." In the following month Hari Rao, nephew of Maharaja Jaswant Rao (1798-1811), was liberated by his partisans from the hill-fort of Maheshwar where he had been confined by Malhar Rao. He was a lineal descendant of the ruling family and had public sympathy on his side. He even received the support of the British Resident and of the Masaheba and ascended the *musnud* on the 17th April 1834, in the presence of the British Resident. The British Government declined to help Martand Rao, and held that, under the Treaty of Mandesör of 1818, they could not interfere in internal affairs. See above, note 1 on p. 163.

for deeming it "proper and expedient" on this occasion "to preserve the principle of non-interference," was that there were two other possible claimants.

"There would appear",—the Secretary to Government writes to the Resident at Indore,—"to be three individuals whose pretensions to the sovereignty might be alleged with some colour of right, namely Hurree Holkar, the cousin of the late Maharajah; the infant born subsequently to his death; and the adopted son.[1] His Lordship in Council is not prepared to pronounce upon the relative superiority of these claims. The decision may fairly be left to the voice of the country, and our duty will be to maintain whatever arrangement may appear to be unequivocally consonant to the general wish."[2]

It can hardly be said that there was a disputed succession at all, until ambitious hopes were excited by our cold and unfavourable demeanour. The ceremonies of adoption and installation were performed with the concurrence of all the members of the family and ministers of state at the capital; and but for the significant absence of the Resident from the Palace on both occasions and his undisguised avowal of non-interference, the partisans of Hurree Rao Holkar,—who eventually succeeded by a skilful and daring enterprise in placing him on the musnud,—would never have dared to mention their candidate's name.

(1) [Ed.] Martand Rao's adoption was not objected to by the British Government which, at the same time, did not bind itself to support the arrangement "if it should appear to be illegal or subversive of the rights of any other party or contrary to the wishes of the majority of the chiefs and followers of the Holkar State;" and the adoption was acknowledged simply as "the spontaneous and unopposed act of the government of Indore, in which the people seemingly acquiesced."

Martand Rao's adoption proved to be a device of the mother of Malhar Rao Holkar for the purpose of keeping the power in her own hands during a long minority, as he was only 3 or 4 years of age at the time.

Hari Rao Holkar had the popular voice on his side; and the policy of non-interference prevented the Resident from giving active support to Martand Rao, although his installation had been acknowledged. Serious disturbances occurred, in the shape of the disorganisation of trade, the flight of merchants and the raids of the Bhil tribes. Hari Rao was eventually brought to Indore by a detachment of a British contingent and formally installed, while Martand Rao was given a pension on condition of resigning all his claims to the succession.

(2) Succession by Adoption, p. 49.

There can be no doubt that the adopted son was the rightful successor: the posthumous son was illegitimate: and Hurree Rao Holkar, a collateral relation of the deceased Rajah, had no claim whatever.[1] This was exactly the case in which our Government ought to have interfered decisively and effectually, and to have settled the succession, not as Suzerain investing a feudatory, for the terms of our treaties with the Holkar Rajahs do not admit of such a relation, but simply as the *de facto* paramount power, the power most interested in the public peace not being disturbed, the most disinterested and unconcerned as to all the personal, private, and individual questions depending on the succession, and the most capable of preserving peace and enforcing submission to its award. The duty of deciding in doubtful and disputed succession is a moral and not a legal duty, imposed upon by us by our actual position and immense material strength. In the case just referred to, this duty was certainly neglected; and in consequence of this neglect the lawful heir was excluded.[2]

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(1) [Ed.] The following genealogical table may be of some use in grasping the points raised:—

Tukoji Rao Holkar I (1795–97)

- **Jaswant Rao Holkar** (1787–1811)
  - **Malhar Rao Holkar** (adopted) (1811–33)
    - **Martand Rao Holkar** (adopted) (1833–34)
- Vithoji
  - **Hari Rao Holkar** (1834–43)
    - **Khande Rao Holkar** (adopted) (1843–44)
- Malhar Rao
- **Kashi Rao Holkar** (1797–98)

Martand Rao Holkar was a lineal descendant of Bapuji, brother of Herjiji, the grandfather of the great Malhar Rao I (1728–60), the founder of the state. Khande Rao Holkar was a direct descendant of Herjiji, but by another son of his than the father of Malhar Rao I. (See note 1 on p. 163).

(2) [Ed.] Aitchison maintains that, because of the anxiety of the British to maintain peace and to put a stop to the anarchy which prevailed, it was decided to support Hari Rao and not the adopted son, Martand Rao.

M. Burway, in his *Life of Maharaja Tukoji Rao Holkar II* (1925), maintains that Hari Rao was a better claimant than Martand Rao and that the injustice done to his claims by the adoption of Martand Rao by the widow of Malhar Rao, naturally raised a feeling of sympathy in the public mind for him, as he was a lineal descendant of the founder of the ruling family.

We are certainly wrong in declining to interfere in favour of Mulhar Rao Holkar's adopted son at Indore in 1834: I believe that we were equally wrong in not maintaining the right of Ramchund Rao's nephew and adopted son at Jhansi in 1835. I am not so firmly convinced of the injustice in this latter instance, because the circumstances are not so clearly detailed in the published papers, while the fact and the validity of the adoption were certainly challenged and impugned at the time. But on both occasions our duty as the great protecting and pacificating state of India was clear; and on both occasions our refusal of that duty led to manifest injustice, to a system of intrigue and passive opposition under which good administration became impossible, and at Indore to a series of disturbances, culminating in "a murderous attack" on Hurree Rao Holkar's Palace, and to scenes of bloodshed and disorder,"[1] which were only dispelled at last by our decided and peremptory interference, backed by a display of troops. Thus having begun by declining "to pronounce upon the relative superiority" of the several claims to the musnud, and having left the question to be settled by "the voice of the country," and "the general wish," Lord William Bentinck was doomed to see an attempt made to settle the question by a general rush and scramble; having declared for scrupulous non-interference, he found himself compelled to interfere with all the power of the British Empire, and to support the usurping party which had the upper hand for the moment, and was in possession of the capital and Palace. It was truly said by Sir George Clerk, the late Governor of Bombay, that "the inconsistency, caprice, and mutability of our opinions regarding all great principles, is the bane of our supremacy in India."

1. Succession by Adoption, pp. 70, 71, 75. Additional note, [Ed] Hari Rao's adherents were joined by a large body of Bhils and Mewatis who found a good field for their energy and activity in the confusion. Wealthy merchants fled from Indore; trade was suspended; and the Bhil marauders infested the roads and plundered many villages. Hari Rao was also joined by the state army; while the prudent Masaheba thought it opportune to lend her support to him and requested him to place himself on the *Rajgadi*.

In 1825, during the siege of Bhurtpore by Lord Combermere, great excitement prevailed throughout Central India ;[1] a rebel chief named Nana Pundit, who had taken the field originally as a pretender to the musnud of Jaloun, had collected a considerable force and was threatening a descent upon the British town of Calpee. The Rajah of Jhansi, at the request of Mr. Ainslie, the Political Agent, immediately sent off 400 sowars, 1,000, foot-soldiers and a few artillery-men with two guns, who arrived in time to save Calpee from being plundered, and restored general confidence to the people of the district.

This was the last important military service rendered to our Government by the ruler of Jhansi, and was expressly referred to by the Governor-General, Lord William Bentinck, in the highest terms of commendation and gratitude, when at a great durbar, held in the Palace at Jhansi on the 19th December 1832, he conferred upon Ramchund Rao[2] the title of Maharaja Dhiraj, and invested him with the royal insignia of the "nakkara" and "chowar,"[3] on which occasion the Rajah asked and obtained permission to adopt the British Flag, and to append to his titles the addition of "Fidwee Badshah Janujah Englsitan,"—devoted

1. [Ed.] Sir John Kaye remarked that Bharatpur "had seemed to snort defiance at the victorious Feringhis for more than twenty years." If the British had not attacked it before, it was not for want of provocation. The measures undertaken by Sir David Ochterlony for the chastisement of Durjan Sal, the usurper, were deemed by the Calcutta Government to be precipitate, as an unsuccessful attempt on Bharatpur would have had "the worst possible effect on the minds of the chiefs and the people of India." Exaggerated accounts of the English reverses in Burma had reached them, and they were indulging in idle speculations as to the downfall of the Company's *Raj*.

Sir Charles Metcalfe, Resident at Delhi, who participated in the campaign, was of the opinion that a failure at Bharatpur "would undoubtedly have given a shock to our power in every part of India" and encouraged disaffection (*vide* his letter of September 8, 1928, in note on p. 154 of Vol. II of Kaye's *Life of Metcalfe*).

(2) [Ed.] Kaye thus writes of Ramchand Rao :—"Loyal and well-disposed, he won the favour of the British Government, who, fifteen years after the conclusion of the treaty, conferred upon him the title of Rajah, which he only lived three years to enjoy."

(3) The kettle-drum and the fly-flapper made of yak's tail.

servant of the glorious King of England. Major Malcolm, the Political Agent, reporting in 1854 on the Ranee's appeal,[1] observes :—"The Baee does not, I believe, in the slightest degree over-estimate the fidelity and loyalty all along evinced by the State of Jhansi towards our Government, under circumstances of considerable temptation, before our power had arrived at that commanding position which it has since attained."

The treaty being totally disregarded by Lord Dalhousie, or rather transformed by his vigorous fancy into a *sunnud*, or "grant from a sovereign to a subject,"[2] it may well be supposed that he passed over all these minor ties and sanctions with contemptuous neglect.

For the last time, then, the Rajah of Jhansi's troops crossed the frontier, and appeared at Çalpee, in co-operation with those of the British Government, in 1825. But in 1858 we again hear of a Ranee of Jhansi in person with her troops at that same town of Calpee,—not, however, this time in co-operation with the Government, but in rebellion against it.[3] Driven by Sir Hugh

(1) [Ed.] The Political Agent described the Rani as "bearing a high character and much respected by every one at Jhansi." She protested that her husband's house had ever been faithful to the British Government and dwelt upon the services rendered in former days to that Government and the acknowledgements that those services elicited from the British rulers. She pointed to the terms of the treaty which did not bar succession in accordance with the laws and usages of the country.

(2) [Ed.] *vide* note on p. 229, regarding Lord Metcalfe's minute of October 1837 wherein the difference between Hindu sovereign princes and mere chiefs and grantees could be determined by British officials—an unjust interpretation in itself.

(3) The Mutiny broke out at Jhansi on the 5th June 1857; and the rebellion quickly spread to the whole district. The Rani attempted to seize the supreme authority; but there arose the usual anarchic quarrels. The rebels were driven back to Chanderi by Sir Hugh Rose in January 1858; Jhansi was reached on March 20th; the town was assaulted on April 3, and the fort taken on the 5th. The Rani fled from the fort, the night before its fall, towards Kalpi with her defeated troops. She had to fly from Kalpi further westwards, after discomfiture in a fierce onslaught on Sir Hugh Rose. Joined by Tantia Topi, she designed to march on Gwalior where the troops of the Sindia deserted to her *en masse*. She seized the fort of Gwalior, but was killed in flight before the combined forces of Sir Hugh Rose and Sir Robert Napier (17th June, 1858), in the Kotah-ki-Serai. "Among the fugitives in the rebel ranks was the resolute woman, who, alike in council and on the field, was the soul of the conspirators. Clad in the attire of a man and mounted on horseback, the Rani of Jhansi might have been seen animating her troops throughout the day. When, inch by inch, the British troops pressed through the defile, and when reaching the summit, Smith ordered his Hussars to charge, the Rani of Jhansi, boldly fronted the British horsemen. When her comrades failed her, her horse, in spite of her efforts, carried

Rose from the Fort of Jhansi, where those horrible atrocities were committed which were but numerically exceeded by those of Cawnpore, she was defeated by the same General at Calpee, joned Tantia Topee in his successful attack on Gwalior, and was killed in the action near that city at Kote-ka-serai on the 16th June 1858. By all accounts she was the life and soul of the most formidable rebel army that ever was raised in India.

In 1854 Major Malcolm, the Political Agent, reported that this same Ranee,—who would have been Regent during her son's minority,—was "highly respected and esteemed, and fully capable of doing justice to this charge,"—the regency,—"a lady of very high character, and much respected by every one at Jhansi."[1] Four years had scarcely elapsed since the annexation, when she fell in the front of battle, branded with fifty murders.

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her along with the others. With them she might have escaped, but that her horse, crossing the canal near the cantonment, stumbled and fell. A hussar close upon her track, ignorant of her sex and her rank, cut her down. She fell to rise no more. That night her devoted followers, determined that the English should not boast that they had captured her even dead, burned the body." "Thus died the Rani of Jhansi. My opinion of her has been recorded in a preceding page. Whatever her faults in British eyes may have been, her country women will ever believe that she was driven by ill-treatment into rebellion; that her cause was a righteous cause; that the treatment she received at the hands of Lord Dalhousie was one of the main causes of the disaffection in Bundelkhand and Central India in 1857–8. To them she will always be a heroine."

(Malleson's *The History of the Indian Mutiny*—Book XIV; Chap. III; Vol. V; pp 154–155 of the cabinet edition of Kaye and Malleson's work).

1. Jhansi Blue-book, pp. 7 and 28.

LETTER IX.

THE BHONSLA FUND.

Madras, *December* 21, 1862.

In an article entitled "The Cinderella of the Empire," the *Friend of India*, of the 4th of this month, gives some remarks upon the finances of the Central Provinces,[1] and upon the general plan and scope of Mr. Temple's Administration Report for 1861—62,[2] the first since the annexation of Nagpore in 1854. Of course, when the *Friend* ventures among figures, and when he is tempted to touch upon Lord Dalhousie's political morality, he gets, as usual, into a mess; and one or two of his errors are so monstrous in scope and so calculated to mislead, that, at the risk of being drawn into a very long dissertation, I feel bound to correct them with the least possible delay.

The *Friend* says :—" Twenty-five per cent of the revenues of Nagpore is devoted to the support of the one family of the Bhonslas. Not less than £ 100,000 are annually given to some

(1) The Central Provinces were formed, under a Government Resolution of 2nd November 1861, by joining the Nagpore annexed Province to the Saugor and Nerbudda Territories, formerly part of the Nagpore dominions and ceded to us in 1818. Sumbulpore and some other districts, which were also old dependencies of Nagpore, were added by a Government Resolution of 30th April 1862. The Central Provinces are administered, on the Non-Regulation system, by a Chief Commissioner in immediate subordination to the Governor-General in Council.

(2) [Ed.] Mr. (later Sir Richard) Temple was the Chief Commissioner of the Central Provinces from 1862 to 1867, with a very small break, caused by Colonel Elliot resuming his Chief Commissionership and immediately afterwards proceeding to Rajputana. Assisted by Major Hector Mackenzie, the Secretary, Temple quickly got up the threads of the administration in all its parts and, even in the first year of his rule, presented "the First Report of the Central Provinces." Thus he writes of the Report in *The Story of My Life*, Vol. I; Chap. VIII :—" For the Nagpore territories, such a Report had long been required by the Government of India, but had never been furnished. I therefore seized the opportunity not only of fulfilling this requirement, but also of combining with it an account of the Nerbudda Territories regarding which no general report had ever been made. To all this I added an outline of the new Administration."

2158 pensio[illegible] while we la[illegible]ly conferred on Janojee Rajah the lands of [illegible]or, near Sa[illegible]"[1]

The *F[illegible]d* concludes [illegible]ith these words:—"We do not grumble at [illegible] expense, which was politically necessary, but what a comm[illegible]ntary is this, *as well as the Bhonsla Fund*, on the charges brought against Lord Dalhousie of ruthlessly despoiling an ancient family!" This is a very impudent allusion on the part of Lord Dalhousie's advocate. Does he really know what this Fund is? The Bhonsla Fund simply represents the proceeds of the auction sales of the jewels, clothes, and other private moveables of the Bhonsla family,[2] including the spoons, plate and crockery-ware purchased for about £3000/-, and kept by the Rajah to furnish forth the entertainments which he occasionally gave to the English society at Nagpore and Kamptee. The heirlooms of the family, ancient jewels and choice arms which had belonged to Janojee Bhonsla's ancestors many years before the sovereignty of Nagpore was acquired; the late Rajah's new and favourite English fowling-pieces and rifles; the clocks and watches that were found in his sleeping apartment; the musnud of state, the wardrobe, and, it is said, the very bedding on which the Prince expired, everything that was saleable,—the Ranees' own personal jewels, and the necessary furniture of the palace excepted,—all went to the hammer.[3]

(1) [Ed.] Sir Richard Temple tells us (in *The Story of my Life*, Vol. I; Ch. VII); that, on his way to Nagpore, before taking up the Chief Commissionership of the Central Provinces, he was received at Serampore, by Dr. George Smith, who had then the charge of "*The Friend of India*" which "still retained its importance as a public organ." Temple adds that "his (Dr. Smith's) conversation helped me to apprehend the bearing of non-official opinion upon official conduct."

(2) [Ed.] A memorial addressed by the Ranis to the Governor-General on the 18th April 1855, asserts that, in October 1854, their palace was surrounded by an armed force acting under the order of the Commissioner, and the treasures and family jewels of the late Maharaja, estimated at the value of two millions sterling, were forcibly carried away. Mr. J. B. Norton values the jewels taken at some *crore* of rupees—(*Rebellion in India*—p. 98).

(3) [Ed.] Sir John Kaye wrote of this wholesale sale thus:—"The li[illegible]stock and dead stock of the Bhonsla were sent to the hammer. It must have been a great day for speculative cattle-dealers at Sitabaldi when the royal elephants, horses and bullocks were sold off at the price of carrion; and a sad day, indeed, in the royal

The Rajah's savings during twenty-five years of power, a poor, eight lakhs of rupees, [1] were hunted out, extracted by gentle persuasion from the strong boxes in the Nagpore zenana, and went to swell *the Bhonsla Fund.*

In the following sentence (section 366 of Mr. Temple's Report), the origin of this Fund is described:—"The Government had deemed that if the State jewels, treasure and household paraphernalia of the late Rajah, were left to the control of the family and dependants, this valuable property would be wasted, or irregularly disposed of. It was therefore determined that all

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household, when the venerable Banka Bai...was so stung by a sense of the indignity offered to her, that she threatened to fire the palace if the furniture were removed. But the furniture was removed, and the jewels of the Bhonsla family, with a few propitiatory exceptions, were sent to the Calcutta market. And I have heard it said that these seizures, these sales, created a worse impression not only in Berar, but in the surrounding provinces than the seizure of the kingdom itself." (*History of the Sepoy War*, Vol. I (Cabinet Edition) *pp.* 60-61).

The curious reader will get an idea of the character of the auction sales of the live stock of the Nagpore court, commencing on the 4th September, 1854.

Date.		Description of the Live Stock sold.		Rs.	As.	Ps.
September	4th	47 bullocks	...	343	0	0
"	5th	135 do.	...	1675	8	0
"	6th	54 horses and ponies and 10 bullocks	...	1398	4	0
"	7th	50 horses and ponies	...	642	4	0
"	8th	50 camels	...	1362	0	0
"	9th	50 do.	...	1776	0	0
"	11th	6 elephants and howdahs	...	843	4	0
"	13th	49 ponies	...	678	0	0
"	19th	4 elephants	...	1255	0	0
"	22nd	9 do.	...	1290	0	0
"	23rd	46 horses and ponies	...	809	0	0
"	28th	4 elephants	...	785	0	0
October,	9th	3 do.	...	295	0	0

Thus, about 500 to 600 animals, elephants, horses and camels, were sold for Rs. 13,152-0-0 *i.e.*, about £ 1,300-0-0.

Even the trinkets and family tokens of the Bhonslas were sold by auction; and Sir Edwin Arnold tells us that "there is something natural, therefore, if out of harmony, in the dolorous plaints of the ladies of the court, who, having lost a kingdom, bewailed to the Judge Advocate General at Nagpore that a pair of their bullocks had gone for five rupees and an Arab horse for twenty." (*Dalhousie's Administration*, Vol. II; p. 168). There was a tumult raised in the palace-court in order to prevent the removal of the goods; but the goods and the treasures were seized; and bags of gold and silver, to the value of £ 40,000 were "disinterred from under the couch of one of the Ranees." Arnold adds, as if to show that the authorities had some tender spots still, that "when certain other amounts were still missing, known to have been concealed in that very common Hindu bank of deposit, the earth, the dying state of the Maharajah's widow (Annapurna Bai) had some humanising effect and the authorities ceased to excavate in the zenana."

(1) £ 80,000/-

these effects should be collected, and their value realised.[1] The proceeds were to constitute a deposit in the hands of the British Government, to be termed the Bhonsla Fund, for the benefit and support of the Bhonsla family. The realised proceeds of the property, according to accounts finally closed, amount to twenty lakhs of rupees: and that sum constitutes the Bhonsla Fund."

In this passage he calls the Fund "*a deposit*"; in another, upon which I shall have to make a few observations, he claims it as "*a set off*" to the expense of pensioning the family and retainers of the late Rajah of Nagpore. Mr. Temple calculates the present amount of the Bhonsla Fund at twenty lakhs, while I shall constantly state it at twenty-seven lakhs of rupees. The difference between the two sums is caused by his having deducted about seven lakhs on account of the payment, in the year 1854, of certain arrears and debts of the Khasgee establishment;[2] a deduction which, for reasons to be shortly explained, I must distinctly decline to allow.

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(1) [Ed.] Kaye had, indeed, in mind the fact that "the question of private and public property in such cases, is a very difficult one." He did not discuss the legality or technical correctness of the British seizure of the private property of the Bhonsla family; but he pointed out very forcibly the intense mortification created by these sales in the family itself and the bad impression they produced throughout the country; and he noted that "rightly or wrongly, they cast great discredit on our name; and the gain of money is not worth the loss of character."

Sir Charles Jackson, defending Lord Dalhousie's action, says that the Governor-General did not sell all these as the public property of the Nagpur state—"to which the British Government became entitled on their accession to the sovereignty—" nor claimed them for the British Government, but directed their realisation by sale "with the view of protecting the proceeds from misappropriation." In his Minute on the subject, Dalhousie observed that he did not think it desirable that "the property which the Honourable Court had considered 'to be fairly at the disposal of the Government', should be alienated from the family, but neither should it be given up to be appropriated and squandered by the Ranees." He proposed to allot to the Ranis a quantity of "jewels, furniture and other personal property suitable to their rank"; while the value of the rest of the jewels should be realised and the proceeds constituted a fund for the benefit of the Bhonsla family. He even declared that "as the Commissioner seems to think that the value likely to be realised has been over-estimated, the Government should be prepared to make up any sums that may be wanting to afford adequate stipends to the family." (Minute dated 10th June 1854—p. 10 of *Parliamentary Papers relating to the Annexation of Berar, 1856*).

(2) [Ed.] According to Lord Dalhousie's Minute of 26th September 1854, the debts should have been paid by the Raja in his life-time; and his money was 'now applied to the purpose on which it ought originally to have been expended"; and the Commissioner should pay "the full amount of the several stipends allowed to the persons for whom they were designed."

The description here given by Mr. Temple, of the motives which induced the Goverment to lay its hands upon the private treasure and moveable goods in the Nagpore Palace, are substantially the same as those put forward at the time by Lord Dalhousie, who said that this property should "not be given up *to be appropriated and squandered by the Ranees.*"[1] Now, I must remark, that there really was no question of *giving up* anything to Ranees; all the property was in their possession, not in ours. Merely verbal criticism would be quite out of place when a matter of right is being discussed; but no such trifling point is in question here. A great principle is involved; and rhe evidence as to the nature of the property must depend in a great measure on its receptacle and on its custody. The property could not possibly have been *given up* by us, because we were eventually compelled to make a forcible entry, and to take it away from the Ranees, not, as I shall show, without remonstrance and resistance.[2] But not only was the property in the possession of the Ranees and not of the Government, but it never had

(1) Annexation of Berar, 1856, p. 10.

(2) [Ed.] Sir Charles Jackson says that every obstacle was thrown in the way of the realisation of the property; the treasure was concealed under the earth; and a large amount in gold mohurs was kept in the private apartments of the Ranis who refused to point out what portion of the furniture and jewels they wished to retain and protested often that they would give up the whole. He also says that Colonel Elliot, the Commissioner, acted with the greatest forbearance under the circumstances; and Lord Dalhousie had directed that he should disregard the petulance and the vexatious opposition of the Ranis and should continue to show them "under every provocation the courtesy due to their rank, their sex and their changed condition;" and he should have recourse to no "stringent or coercive measures, without previous communication with the Government except under circumstances which will not admit of delay." Dalhousie insisted that the treasure secreted in the Palace Zenana should be obtained by persuasion or voluntarily given up, and force should on no account be used for the recovery of the gold mohurs, and that "it would indeed be desirable rather to fail in obtaining them, than to enter the palace apartment for that purpose."

The Commissioner made that selection of the furniture and jewels to be assigned to the Ranis which they refused to make for themselves.

On the other side it is maintained that, according to the Ranis' memorials addressed on the 26th December 1856 and also on the 10th October and 18th April previously, they had been subjected to personal indignities and annoyances, and prevented from holding any communication with "any of the friends and advisers of the late Maharajah"; that their devoted and confidential servant, Madhava Rao Tantya, and eight other persons of the highest respectability at Nagpore—and one of them a member of the Bhonsla family—were summarily imprisoned in the common city jail by order of the Commissioner, without being charged with any offence, or informed of any accusation being preferred against them...and offered their freedom

even been in the possession or entered in the accounts, of the Mahratta Government. It was Rajah Rughojee Bhonsla's private wealth: a great part of it was kept, and had been kept for years,—*concealed*, according to Colonel Elliot and Lord Dalhousie's phraseology,—in certain apartments of the zenana, from which the ladies had to be turned out, before our officials could touch it.

The late Rajah, as head of the Bhonsla family, possessed private property, both real and personal. The ancient estates of the family,—jagheers, inams, and simple patelships,—were all situated beyond the limits of the Raj, in the zillahs of Poonah, Sattara, Ahmednuggur, and Sholapore, and in the Nizam's territory. A great part of them had belonged to their ancestors before they attained to sovereign rank. There ought to have been no doubt, therefore, that these estates were strictly of the nature of private property. Lord Dalhousie, however, and his nominee, the Commissioner of Nagpore in 1854, took a very different view of the case. They were of opinion that the estates lapsed with the Principality. It is a singular fact, that the ancient Wuttundarees[1] of the Bhonslas were only saved from

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by the Commissioner on the condition that they should give security not to interfere, for the future, in the affairs of their highnesses...and one individual, not included in the above, was actually released upon such security. Further, the memorials say that "Major Ousley, a retired officer of the Bengal establishment, who was on his way to Nagpore for the purpose of conducting the English correspondence of the Maharanis, was summarily arrested by the Commissioner, who only released him on his promise to quit the Nagpore territory." It was also stated in the memorials that "four companies of sepoys with their officers were on the same date stationed in the Maharanis' palace, forcibly preventing all ingress and egress;" and that "no effort had been spared by the Commissioner, through his subordinates, by intimidation and threats, to obtain the Maharanis' signatures to such a document as would annul their own rights." (quoted in J. M. Ludlow's *Thoughts on the Policy of the Crown towards India*—Letter XI).

(1) [Ed.] *Watan* or *Wutun*, incorrectly *Wuttun* (H. etc.)—country, native country, place of residence, home; amongst the Marathas it came to mean any hereditary estate, office, privilege, property or means of subsistence, a patrimony. In Marathi, *Watandar* means the holder of a hereditary right, property or office, with the privileges and emoluments attached to it. The term *Watan*, means 'pertaining to a property or *Watan*, privileges, emoluments etc., obtained by inheritance or purchase held in one's own right." And *Watanwari* meant a patrimonial estate, lands or tenements. *Watanbandhu* or *Watanbhau* (Mar.) meant a co-heir, joint inheritor, also a fellow hereditary officer, one who holds an office jointly with another like a brother *deshmukh*, a fellow *patil* etc., as many of the district and village offices were held conjointly by more than one individual with the emoluments also being shared. The general use of these terms indicates the predominantly proprietary and hereditary nature of the rights of the *Watan*.

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forming an addition to Mr. Temple's "set off," by the Bombay Inam Commissioner, Captain Cowper, whose proceedings for once at least, one is glad to be able to approve. He decided that the deceased Raja did not hold these estates as part of his sovereignty, but as private property; and that under the ordinary rules, the estates would fall to his widow for her life. At this time, the adopted son was completely ignored. Accordingly, after a sequestration of about three years, all the Wuttundarees, which had been in charge of the Collectors of the several districts, were handed over, with the accumulated rents, to the Agents appointed by the Ranees to recive them.

The estates remained in the widows' possession until 1860, when Lord Canning having, as a partial and very imperfect reparation to the Bhonslas, recognised Janojee Bhonsla as the head of the family, the lands were transferred to him, with the remnants of the private moveable property that had escaped Lord Dalhousie's auctions. In the notification of his title of Rajah Bahadoor of Deoor, in the Calcutta Gazette, Lord Canning, certainly with no intention of insult or offence, designated the grand-nephew and adopted son of our faithful ally as "the adopted son *of the widow* of the late ruler of Nagpore," an impossible relationship according to Hindoo law, a solecism in legal phraseology, and colloquially about as contemptuous and offensive a designation in India as "son of a priest" is in Italy.[1] Of course, Lord Canning's object was to avoid the appearance of conceding or acknowledging Janojee

(1) The notification runs as follows:—No. 1, 115: Camp Hoshiarpoor, the 30th March 1860.

"His Excellency the Viceroy and Governor-General has been pleased to confer on Janojee Bhonsla, the adopted son of the widow of the late Ruler of the Nagpore, the title of Rajah Bahadoor of Deor, in the district of Sattara, in recognition of the loyal conduct of the family during the rebellion, and of the faithful attachment of the late Banka Baee to the British Government."

Bhonsla's direct heirship to the late Rajah, Rughojee the 3rd.[1] But the evasion is as ineffectual as the mode of expression was ungracious. The Government having recognised this young Prince as the representative of the Bhonsla family, and having at last permitted him to succeed to the ancient family estates, it was a puerile contradiction to call him, "the widow's son", with no ostensible father at all. If he be correctly described as "the adopted son *of the widow* of the late ruler of the Nagpore," then he is the son of the late ruler also, unless we are to assail

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(1) [Ed.] Sir Charles Jackson, in his *Vindication* (p. 23 note 1), says that "after the decision of Government in favour of annexation, and according to Mr. Temple's report, after the death of the senior widow at the close of the year 1855, the Ranees adopted Appa Sahib (Janojee Bhonsla) and of course antedated his adoption; but the report of the Resident (Mr. Mansel) who was in communication with the Ranees after the Rajah's death, and a petition of Banka Baee's were conclusive, and Lord Canning refused to acknowledge Appa Sahib as the adopted son of the Rajah." He goes to the extent of suggesting that the Banka Bai's expression of a hope to the Resident that "the interests of the Bhonsle family would continue to be interwoven with the Berar kingdom" was "an observation which, in the absence of any adoption or intention to adopt, probably expressed her own claim to consideration." The insinuation regarding Banka Bai's designs—she was about 80 years of age at the time—need not be taken seriously at all. Major Bell holds that, even if Appa Sahib should have been adopted only after the decision of Government in favour of annexation and his adoption had been antedated, his right to the succession under the treaty, as the "heir and successor" of the Rajah would not be weakened; he declared that "neither Hindoo law, nor the customs and precedents of the Bhonsla family, prescribe any limited number of days, after which an adoption would not be valid or effective." Thus he interprets the act of adoption, even on the supposition of the truth of Sir Charles Jackson's statement:—"If it were, as Sir Charles Jackson believes, all that could be said would be that the Ranees having waited a reasonable time, under the instructions of the British Resident, for the initiative to be taken by the Protecting Power, adopted the Rajah's natural and intended heir, when the bad intentions of the Protecting Power could no longer be mistaken."

According to the Ranis (*vide* note (1) on p. 199 above), they applied immediately after the decease of Raghuji Bhonsle III, for permission to adopt, which was their lord's wish, to Mr. Mansel the Resident; and the latter assured them that he would make known their wishes to the Governor-General "for the aforesaid Yeshwunt Rao being placed on the throne." Mr. Mansel wrote, a few hours after the death of the Raja, on the 11th December 1853, that the immediate people of the court and the officials of government desired adoption, and followed it up, three days later, with a formal despatch in which, after describing the "several pretenders to the throne, he said that Yeshwunt Rao would be decidedly preferred by the mass of the courtiers to any other youth "for the musnud, whether given to him by adoption, or by grant from the Company." In another letter, dated 14th April 1854, Mr. Mansel again wrote that "the family of the late Rajah would prefer to retain the actual musnud in the hands of some heir selected by adoption." It was claimed that the Ranis, being satisfied with Mr. Mansel's assurance, were "content to postpone the completion of the adoption ceremony" and "with the concurrence of the Resident allowed Yeshwunt Rao Aher Rao to perform the necessary funeral solemnities." (Ludlow's *Thoughts on the Policy of the Crown Towards India*—p. 230).

the honour of this lady, and that without any great refinement or subtlety of allusion. By the Hindoo law the ceremony of adoption severs the relationship between Janojee and his "natural father," the widow's husband taking the place of the latter. An unmarried woman cannot adopt a son, nor can any woman but a widow; and the child is not adopted to remove the reproach of barrenness from her, but its spiritual evils from her deceased husband. If the adopted son be not the son of the deceased husband, then is he not the widow's son? Vasishtha says:—"A son given is the child not of his adoptive mother, but of his adoptive father." (Colebrooke's *Digest*, vol. iii. p. 254)

But Lord Canning seems to have argued thus:—"If Janojee Bhonsla be the Rajah's son, then is he his heir, and ought to be his successor. The treaty was made with the Bhonsla, his heirs and successors; and an admission that this young Prince is the adopted son of the Bhonsla, is an admission that in annexing Nagpore we have robbed him of his inheritance. Therefore we must never admit that he is anything but the widow's son." Now, nothing can be easier than to perceive that this sorry evasion is of no effect. The adopted son of the Rajah's widow is, by Hindoo law and custom, either the Raja's son and heir, or else he is the offspring of the most degrading species of illegitimacy, which would completely disqualify him from succeeding to the family estates, and which most certainly Lord Canning never intended to impute to Rajah Janojee Bhonsla. There stands the dilemma, quite unassailable by any weapon in the Calcutta Foreign Office, or in any store-house of Hindoo law; and there it will remain a moral, legal, and political paradox—until, as I hope, obliterated for ever by a royal restitution.

When Janojee Bhonsla was officially recognised by Lord Canning in 1860 as "the adopted son of the widow," and the head of the Bhonsla family, the estates were transferred to him. The *Friend of India*, implicitly following Mr. Temple's

statement,[1] speaks of *a grant* of the estates to Rajah Janojee. It is very true that the Governor-General issued a fresh sunnud on the occasion in Janojee's name, and I am glad to say that this sunnud concedes the future right of adoption without reserve. The Governor-General, under the embarrassing circumstances of this partial restitution, naturally strove to give it the air of an act of grace, but the Bhonsla family cannot be expected to admit that it was anything of the sort. Indeed, as Mr. Temple himself allows that the estates had been in their hereditary possession "for 125 years," I think the *Friend* ought to have understood that this transfer from the widow to the young Rajah did not really amount to a new grant. But several of these estates had been in their hereditary possession for a very much longer period that 125 years.

The jagheer of Deoor near Sattara, the most ancient Wuttun of the Bhonslas, having been theirs from time

1. [Ed.] Temple's Report (*pp.* 386–7 of *The Statement showing the Material and Moral Progress of India for 1861-62*) says: (1) "Remembering the prosperous days under the virtual regency of Sir R. Jenkins, the people generally (with the exception of the retainers of the Royal Family) appeared to acquiesce cheerfully in the establishment of British rule." (2) "The terms of the provision for the Bhonsla family were, in the first instance, declared at the annexation......Unpoorna Baee, the senior widow (of the late Rajah) died towards the close of 1855. Thereupon the Banka Baee and the remaining widows formally adopted a young relative, Janoojee Bhonsla, as their son, and appointed him head of the house." (3) "In 1857–58, during the time of trouble, the family behaved with fidelity to the Government; the Banka Baee setting the best example and using all her influence, in the interest of the British cause. She died, at an advanced age, in the autumn of 1858." (4) "Thereafter it was decided to revise the allowances payable to the Bhonsla family and to settle a provision on Janojee, the adopted son of the Ranees...Janojee was constituted head of the house; and to him the payment of the stipends of the Ranees and the general control of the palace and household were entrusted." (5) The lands of Deor in the Satara district which had been hereditary in the Bhonsla family for 125 years, were conferred on Janojee and his heirs (begotten or adopted) in perpetuity, with the title of the Rajah of Deor. The grant was "in consideration of the fidelity of the Banka Bai and the family" during the crisis of the Mutiny.

Regarding Banka Bai's character and pro-British tendencies, Mr. Plowden, Commissioner of Nagpur, thus wrote:—"Her Highness was undoubtedly a very remarkable woman. Her strong intellect, sound judgment and great strength, and consistency of purpose, enabled her to acquire and maintain an ascendancy in all the councils of the state and the palace, which she never failed to exercise beneficially; while her kindness of disposition, her self-privations and her charities, endeared her to the palace household and won for her the affectionate regard of the multitude. She was firmly attached to the British alliance; and her ruling principle of action was to take no step contrary to the wishes or without the permission of the British Government. By this principle she continued to be actuated after the incorporation of the province with the British territories."

immemorial, was re-granted to them by the Adil Shahee King of Beejapoor, upwards of three hundred years ago; was confirmed to them by Aurungzebe's sunnud about the end of the 17th century, constituting the head of the family a Munsubdar of the Empire; and has remained uninterruptedly in the possession of the family ever since. It was their private estate, for at least two centuries before they fought their way to sovereign rank; and though the application of Lord Dalhousie's leading dogma,—that a treaty with the British Government works silently such a corruption of blood in heathen families, that none but a lineal descendant can succeed without the permission of their Christian friend and ally,—forbade the succession of the late Rajah's grand-nephew and heir, Janojee Bhonsla, to the sovereignty, and the bare mention of his name at Nagpore under heavy penalties, still the old Wuttundaree estates, including that of Deoor, were after a short enquiry transferred by the Bombay Inam Commission[1] to the late Rajah's widow. Even Captain Cowper could not pick a flaw in the Bhonsla's title. Though the statement, therefore, may be technically correct, a true impression is not produced when the estates are said to have been "lately conferred on Janojee Bhonsla."

Let us now inquire how the personal property was disposed of. Upon the death of the late Rajah, the Government of the Nagpore country was conducted by Mr. Mansel, the Resident, with the counsel and assistance of three of the principal noblemen of the State. When the decree of annexation went forth from Calcutta, he was appointed Commissioner, but was almost immediately removed by Lord Dalhousie for having recommended that the adopted son should be recognised as

(1) [Ed.] The Bombay Inam Commission, as noticed in another place, was at work since 1843 and had by 1857 given 7,000 decisions regarding rent-free lands held in hereditary occupation. Mr. Henry Mead calculated that the gain in revenue from resumptions was £15,846 per annum then and a further sum of £27,000 after the lapse of one, or two or three lives; and the cost of the survey was perhaps about £100,000. He asked "how much in good will and loyalty" has the Commission cost? (*The Sepoy Revolt—Its causes and consequences*—p. 221)

titular Rajah, and should be allowed six lakhs of rupeee per annum, while the province should be kept under British management. On the question of the sovereignty, Mr. Mansel unfortunately despatched his report after so long a delay, and evinced so dim an appreciation of the absolute *rights* of the Rajah's heir, that his recommendation,[1] based on grounds of prudence and general policy, had no effect but that of causing his own censure and removal. But on the question of the family property he spoke with no such uncertain tone.

"The private treasure," said Mr. Mansel, "about twenty lakhs of Nagpore rupees; the jewels, said to be from fifty to seventy-five lakhs of Nagpore rupees in value (but I shall be pleased if on sale they yield the half of the former sum); and the household property, not above a lakh in value, I would propose to leave with the family, to be disposed of by them in such way as was most agreeble to their feelings and would be generally approved of by the courtiers and the native public. I apprehend that the general desire would be to throw the whole or the main part of the effects into a family fund, to be held by one representative, just as would be done in England in an entailed property, subordinate interests being provided for by a settlement. The right of the family by the female branch seems to me clearly quite as strong as by the male, to everything but the possession of sovereign power."[2]

Lord Dalhousie disagreed as completely with Mr. Mansel with regard to the Rajah's personal property as he did on the

(1) [Ed.] He recommended that the state of Nagpur should for the present "be preserved in feudal chieftainship" under the Banka Bai and that Yeshwunt Rao Aher Rao, now Janoji Bhonsle, should be trained to succeed her. "He seems to have been at first animated with some confidence that this middle course would be confidently accepted at Calcutta. Thus fixing his mind on what he called a new form to be given to native power"—"an experiment for reconciling the interests of the people, the claims of the Bhonsla family and the duties of Great Britain"—he lost sight of the inherent right of Janojee Bhonsla to be adopted." (Bell's *Retrospects and Prospects of Indian Policy*—p. 37, see also note 2 on p. 202, above).

(2) Letter from C. G. Mansel, Esq., to the Secretary to Government, dated 29th April 1854 (Parly. Papers, Annexation of Berar, 1856, p. 9).

question of the titular sovereignty. He decreed that it should not be "given up to be appropriated and squandered by the Ranees," but that "it should not be alienated from the family," and that jewels and furniture, and other personal property suitable to their rank, having been allotted to the Ranees, the value of the rest of the jewels, &c., should be realised, and that the proceeds should be constituted a fund *for the benefit of the Bhonsla family*.". So far we might set down the Governor-General's plan as a somewhat arbitrary and irregular interference, but still as decidedly paternal in its object. But the next sentence undeceives us. "As the Commissioner seems to think that the value likely to be realised has been over estimated, the Government should be prepared *to make up any sums that may be wanting to afford adequate stipends to the family*.."[1]

The private personal property of the Bhonsla family, computed by Mr. Mansel at some fifty-five or sixty lakhs of rupees, was thus declared to be the first source from which the Ranees' life-annuities were to be supplied, and it was only in case of any deficiency that the annexing Government was to be called upon to bear any part of the expense. In short, their private property is sequestered and sold, to provide the public stipends granted as compensation for the loss of their sovereignty; their capital is confiscated, their valuables sold by auction, and life annuities are conferred upon them out of the proceeds! But not only is this process not to be called "spoliation", but we are told that it is not even an 'alienation' of property. And the *Friend* evidently considers it as a crucial instance of Lord Dalhousie's liberality!

Setting aside for the moment the utter iniquity of the annexation, and assuming that there was a genuine lapse for want of an heir capable of reigning, I find it very difficult to trace the process of reasoning, by which Lord Dalhousie and the Court of Directors contrived to persuade themselves that the

(1) Parliamentary Papers, Annexation of Berar, 1856, p. 10.

immediate family of a friendly Sovereign whose territory we had annexed, were not entitled to the custody and management of their own private property, but were entitled only to a life interest in such a proportion of it as the annexing Government chose to consider sufficient for their maintenance. Most people, I think, would on mature consideration decide, that the intrusive power was bound in honour and in justice to provide from its own revenues, augmented as they were by the revenue of the new aquisition, an adequate and becoming income for the representatives of the ejected dynasty, for those members of the royal family who had formerly depended upon the Civil List of the Sovereign.[1] Most people would come to the conclusion, that even if the representatives of the friendly dynasty were, or were assumed to be, merely the widows of the last Sovereign, the obligation to provide for them would remain equally strong. And this being granted, it appears by no means equitable that the whole, or any part, of this provision should be derived from the confiscated personal property of the deceased Sovereign. Nor does it appear equitable that any part of the family property

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(1) [Ed.] (Paras 367–369 of Mr. Temple's Report). The terms of the provision of the Bhonsle family were in the first instance, declared at the annexation and included the widows and relations of the late Rajah. The following pensions were granted :—

The Banka Bai	... ... Rs. 120,000	per annum.
Annapurna Bai	... ... Rs. 50,000	do.
Durga Bai	... ... Rs. 25,000	do.
Ananda Bai	... ... Rs. 25,000	do.
Kamalji Bai	... ... Rs. 25,000	do.
Savitri Bai	... ... Rs. 10,000	do.
	Rs. 2,55000	do.

After the Mutiny and the death of the Banka Bai, when it was decided to revise the allowances and to settle a provision on Janoji Bhonsle, the new scale of pensions was fixed as follows :—

Janoji Raja	... ... Rs. 90,000	per annum.
Durga Bai	... ... Rs. 45,000	do.
Ananda Bai	... ... Rs. 45,000	do.
Savitri Bai	... ... Rs. 45,000	do.
Zenana Ladies	... ... Rs. 18,000	do.

Household slaves otherwise called Bhonsles and Barakarris—Rs. 20,000 per annum.

should be applied, as was done under Lord Dalhousie's orders, to the payments of the debts of the Khasgee or house-hold. For let us suppose, that instead of leaving property valued at fifty lakhs of rupees, and which, notwithstanding all the disadvantage of a forced sale by auction, actually realised twenty-seven lakhs, [1] the Rajah of Nagpore had dissipated the whole of the family property before his death, and had left a mass of debts in every public department, and among others in the royal husehold, or Khasgee establishment. Would the British Government have appropriated the public revenue, and repudiated the public responsibilities? Would Lord Dalhousie and the Honourable Court have declared that in consequence of the insolvency, or very small value, of the Rajah's private estate, the Ranees and other inmates of the palace were entitled to no public provision whatever, and that the Khasgee debts must be left unpaid for want of private treasure? I trow not. The Ranee's stipends could not have been stopped, or diminished, to cover the debts of the abolished household. The Ranees were not in the slightest degree interested in the bygone expenditure of the Palace; nor could they be responsible for the financial state of a royal establishment over which they never had the slightest control.

The Khasgee[2] establishment was the Rajah's royal household. It was just as much a public department of the State, as the Rajah's army; and we might as fairly have paid the military arrears out of the private treasure, as the arrears of the household. The expenses of the Khasgee establishment during the Rajah's life were defrayed from what may be called his Civil List, or that share of the public revenue which, from ancient

(1) £270,000.

(2) [Ed.] *Khasgi* meant one's own private or personal property, in contradistinction to the revenues or concerns of the state. (Wilson's *Glossary*, *p.* 281).

Marathi political terminology included (1) *Khasgi paika* (one's own private cash), and (2) Khasgiwala (a title usually given to the confidential minister of the Peishwa or other Maratha prince who was specially interested with the management of their private receipts and disbursements or other personal interests).

custom, with the advice of his ministers and of the Resident, was allotted for the support of the royal dignity. On the annexation, this Civil List was withheld. The debts of the Khasgee were contracted on the credit of the Rajah's Civil List, the usual monthly payments of which our Government stopped in that department after the annexation, and appropriated as part of the public revenue, in whatever way it pleased. Having appropriated the Civil List, we were bound to accept its liabilities in full. The debts of the Khasgee were not contracted on the credit of the Rajah's private property. There were large receipts and disbursements constantly going on in the Rajah's private treasury, but these were not entered in the public accounts of the household, but in certain private accounts which have never been surrendered or submitted to the British authorities. The Governor-General however had no misgivings on the subject. He says that the property is "fairly at the disposal of Government," and that it is "justly available for the payment of arrears due to the Khasgee establishment." (p. 31). So long as Lord Dalhousie confined himself to a mere general assumption of this property being "fairly at the disposal of Government," with a vague assurance that it shall be used "for the benefit of the Bhonsla family," the gross injustice and illegality of the whole transaction, may easily escape detection by the ordinary reader. But there are certain principal items of cash in the Bhonsla Fund which he specifically claims for public purposes, with a certain show and pretence of equity, that enable us to come to closer quarters, and to prove by a thorough exposure of Lord Dalhousie's reckless assertions, that this violation of private property was totally without excuse.

At page 31 of the Parliamentary Papers of 1856, from which I have so often quoted, Colonel Elliot makes the following "financial" proposal to the Secretary to Government at Calcutta :—

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"There appears to me no other mode of adjusting the heavy arrears due to the Khasgee establishment, but by making use of the treasure in the Palace, claimed by the Banka Baee and the other Ranees, but undoubtedly the property of the late Rajah, and justly available, in my opinion, for the purpose indicated."

Now before noticing the cordial reception this extraordinary proposal met with at Calcutta, let us give a little passing attention to the singular coolness and off-hand contempt of those simple legal considerations, which had been constantly pressed upon him by the Ranees in every from,—verbally and in writing, in good Mahrattee and in bad English,—which Colonel Elliot manifests. He places the claim to this treasure by the Ranees, and his own opinion that it was undoubtedly "the property of the late Rajah," in utter antagonism, as if the two propositions were incompatible, instead of being, as they are, essentially and inexplicably interdependent. The Ranees did not claim the treasure in their possession, *in defiance* of Colonel Elliot's opinion that it was "undoubtedly the late Rajah's property;" they claimed it *because* it was the late Rajah's property. They agree with Colonel Elliot as to the facts entirely, instead of differing, as he seems to imply. And Lord Dalhousie evidently saw this. He perceived that Colonel Elliot had not in the least helped him to a plea for appropriating the treasure. He therefore trusts to his own brilliant imagination and dashing rhetoric, and comments on Colonel Elliot's letter in the following terms:—"There can be no doubt that the accumulated treasure is available for this purpose. It was not private treasure, derived from private estates, or from personal sources of any kind. *It was public treasure hoarded by the Rajah.*" What will Lord Dalhousie's apologists say when I assure them, on the best information,—but it is notorious to every member of the late Rajah's family, to every Palace attendant, and to every native official in our

employ at Nagpore,—that this reckless assertion, made by Lord Dalhousie on no foundation whatever, unsupported even by Colonel Elliot's letter, was false in every particular? The private treasure was *not* "hoarded from the public revenue": it *was* derived from the Rajah's "private estates" and "other personal sources"; no part of it had ever been kept in the public treasury; and not the least allusion to its existence, no trace of its origin or of its management, can be found in any part of the public accounts.

It might very fairly and properly have been saved—"hoarded", if you please—from the public revenue, and yet not have been any the less private property. The Rajah had a perfect right to save any part of his share of the revenue—of his Civil List or Privy Purse,— and to set it apart as a family fund not available for public purposes. But even this was not the case. Such was not the origin of this "hoard". To this day it is a source of exultation, and I will add of legitimate and honest exultation, among the old retainers of the Palace at Nagpore, that the Government has never been able to lay its hands upon the accounts relating to this private treasure, or to get any information on the subject, from the persons to whose department it belonged. But there is no great mystery as to the sources from which it was accumulated. It was derived from nuzzurs presented at festivals and state ceremonies, and on appointments to offices, fines on household officers and servants, the rents of the Wuttundaree estates,[1] and of the Hoozoor Khasgee[2] villages, or domains within the Nagpore territory, and also from the profits from the Rajah's two banking establishments. In short, a direct unqualified contradiction is given to Lord Dalhousie's unfounded assertions: it was *not* "public treasure hoarded by the Rajah;" it *was* "derived from the private estates and personal sources."

(1) [Ed.] *i.e.*, private estates held in hereditary right.
(2) [Ed.] *i.e.*, villages held as Khasgi by the ruling prince.

But although I have thus glanced at the sources from whence these funds are known to have been derived, I cannot allow that we have, or ever had, any right to inquire into their origin, or to dictate, otherwise than judicially, as to their disposal. The places where the treasure was deposited, the titles under which the accounts were kept, and the total absence of connection with the accounts of the public revenue, point it out as strictly private property. It is quite evident from Colonel Elliot's report, that he did not know what was the amount of the private treasure. Mr. Mansel had estimated it at about twenty lakhs; but he also speaks from mere rumour, and without any official accounts before him. And no doubt Lord Dalhousie had his eye upon this splendid sum. But when the Ranees had been turned out of their sleeping apartments, and Colonel Elliot's exploring party had completed their interesting labours, the private treasure was found to amount to only four lakhs and a half of Nagpore rupees, and twenty thousand gold mohurs, or altogether about eight lakhs of rupees. And these sums are regularly entered in the receipts of the Bhonsla Fund.

This private treasure was kept,—"concealed," according to our political jargon,—in the Ranee's sleeping apartments. It had always been kept there, and in no other place. A large sum, probably not exceeding a lakh and a half of rupees, was expended by the Ranees during the first two years of their widowhood, chiefly in advocating the cause of their adopted son. The Ranees have never been asked to account for these funds, for the simple reason that the British authorities have never had any data, any record whatever, on which to base a demand. Lord Dalhousie decided on taking the Zenana deposits, but the public books affording no clue to their existence or amount, he was obliged to take what he could get. The accounts of the receipts and disbursements of the private treasure were kept during the Rajah's life time, and down to the date of its appropriation, not by any public official, but by certain special

personal attendants of the Zenana. These accounts it is said, would prove to a demonstration, if there were any excuse for such an inquiry, that the private treasure was private family property. We had no right to touch that money, those jewels those clothes, or those spoons. So long as a rupee of "the Bhonsla deposit" remains in our possession, there will be a blot upon the royal scutcheon of Great Britain, and Rajah Janojee Bhosla will be a pecuniary creditor of the Queen. He may not be a troublesome or importunate creditor; but the debt is a debt of honour, and the Queen must not be a defaulter. The appropriation of the property was a most scandalous outrage; and the moral discredit and political dishonour entailed by it on our Government, and the profound disgust excited by it in many parts of India besides Nagpore, can hardly be exaggerated, and certainly ought not to be lightly regarded.[1]

Mr. Temple himself tells us (section 336 of the Report) that "the only attempt at disturbance, in consequence of measures connected with the annexation, was that which occurred in 1855."[2]

"When the State property was given up, an unsuccessful attempt at disturbance was made by the Palace retainers, and a Reverend Missionary (mistaken apparently for an officer) was maltreated by the mob." But on referring to the Parliamentary Papers of 1856 on the Annexation of Berar, we find that the disturbance was of a more serious character than would appear from Mr. Temple's cursory notice. Colonel Elliot's despatch of 3rd November 1854 (page 32, Parliamentary Papers, 1855), states that there was "great excitement in the city," that he was obliged to employ "a detachment of 500 men" on this gallant

(1) [Ed.] Sir Charles Jackson, in defending Lord Dalhousie, does not find anything in his minutes, to justify the remark that the property was appropriated for the Government and says that he "set it apart and appropriated it, as an inalienable fund for the benefit of the Bhonsla family, and that he left the fund untouched when he resigned office in 1856 (*Lord Dalhousie's Indian Administration*; p. 79).

(2) A mistake for 1854; the occurrence took place on the 11th October, 1854.

expedition, and to have "a heavy gun equipped and got ready, in case of being needed." An express was also sent off to Kamptee to reinforce Seetabuldee with a corps of infantry, with cavalry and guns." And after expressing his acknowledgments to the military authorities for the promptitude with which his requisitions were complied with, and for those admirable arrangements which soon showed the evil-disposed the utter folly of all opposition, he adds, that, had there been any delay, the consequences might have been most serious. Not only was Mr. Hislop, the Free Church Missionary,—being mistaken for one of the officers engaged in this conveyancing business,—ill-treated by the mob, but a person named Jamal-ood-deen, "the native official employed on the part of this Government, was maltreated assaulted and wounded" (p. 36), or, as Colonel Elliot explains more fully in his first report of the disturbance, refused admittance to the apartments where the jewels and treasure were kept, compelled to "retrace his steps by the way he had come," and on reaching the outer gate of the Palace he was hustled, his palanquin destroyed, and himself beaten, while the guards on duty, if not assisting, looked on without interfering, and enjoyed the fun. (Parliamentary Papers, 1856, p. 32.)[1]

These little incidents clearly indicate the general effect produced, and the popular feeling excited, by the paternal exertions of Lord Dalhousie's administration to prevent the Ranees from squandering their substance. In the same Parliamentary return we find several letters and short notes from the Ranees to the Commissioner, raising very strong and reasonable objections, couched in very bad English, against the summary confiscation of their property, and protesting against it, "in the

(1) [Ed.] The *Further Nagpore Annexation Papers* (printed by order of the House of Commons on the 5th March 1856) tells us how the removal of the royal armoury caused great excitement in the city and a native official was maltreated in the palace and a Free Kirk Missionary was roughly handled in the streets by the mob; and also how, finally, the Banka Bai recalled her agents in England and the matter ended with the Supreme Government approving of the proceedings of Mr. Elliot, the Commissioner of Nagpore (4th January, 1856).

name of Her Majesty Queen Victoria," very much no doubt to the amusement of Lord Dalhousie, who exhorted the Commissioner to "disregard the petulance and vexatious opposition" of the Ranees, and to show them all the courtesy due to their rank, their sex, and their changed condition." (p. 29). Lord Dalhousie's admirers may assert, that the Bhonsla family ought to have accepted all this magnanimity and gracious consideration, as quite cheap at twenty-seven lakhs of rupees. But somehow or other, owing to the narrow-minded prejudices of the Mahrattas, or to the powerful ingratitude of the natives, or because they would have selfishly preferred squandering the property themselves, they never have viewed our appropriation with complacency, and never have ceased to protest against it, and to claim the restoration of the whole.[1]

It is somewhat remarkable that there is a singular confusion of terms, and inconsistency of statement, both in Lord Dalhousie's original instructions, and in Mr. Temple's recent report on this

(1) [Ed.] According to the Ranis' memorials, dated 26th December 1855, "no effort had been spared by the Commissioner, through his subordinates, by intimidation and threats, to obtain the Maharanees' signatures to such a document as would annul their own rights." It was also asserted that, on the 2nd January 1856, "a letter containing matter totally at variance with the known wishes of the Maharanees was prepared by the Commissioner's own people and conveyed to the palace" by "the Commissioner's vakeel and other faithless servants of the late Maharaja to obtain the signature of the Maharanees"—that "nine days after such letter was written, as appears by the date, these persons, by means of threats and intimidation, induced the Maharanee Banka Baee" who was "nearly 80 years of age" to sign such communication. This latter was annexed in a translated shape and is a month later in date than the one to the same effect, inserted in the Parliamentary papers as of the 2nd December 1855, and varies from it in several particulars, especially in its bearing an attestation by Captain Crichton, Assistant Commissioner, who certifies that the Banka Baee sent for him to hear it read and that it was "read over to her and explained carefully" in his presence, that she had made it a particular request that he should witness it, and that beyond witnessing it, he had "nothing whatever further to do with the matter.

J. M. Ludlow calls this letter "a strange disclaimer, though one to which one would attach all faith, so far as Captain Crichton personally is concerned;" and but maintains that the letter "proves nothing after all, except that an aged woman, struck by a recent bereavement—the death of Annapoorna Baee, the Raja's chief widow—has no heart for struggling with British omnipotence;" and that "there is no renunciation of the right of adoption, no disavowal of the alleged intentions of the Raja in that behalf." The Ranis' agents maintained that the letter was forced upon the Banka Bai,—one only of the five princesses whom they represented, though she was the acknowledged head of the family—by the Commissioner's native subordinates. They alleged in proof that the letter was written not on ordinary foolscap, but on the Company's paper, as shown by the water-mark, corresponding with that used in the Commissioner's office.

financial masterpiece. In the very minute in which Lord Dalhousie mildly deprecates their "petulance and vexatious opposition," he states that *a fund for the use of the Ranees*, is to be formed out of the value of property to be sold for their behalf. (p. 30). And in the minute on the reported tumult during the removal of the property, he observes that it is to be sold on behalf of the family. (p. 36). In his very natural desire to overlay this ugly deed with a little moral gilding, Lord Dalhousie betrayed himself into some inconsistency of language, but his practical object is not at all ambiguous. He intended absolutely to appropriate the private property to the family, and with the proceeds to supply, or reduce as much as possible, the annual expense of their maintenance. He does indeed repeatedly declare, that the proceeds shall not be "alienated from the Bhonsla family." But as he simultaneously employs in these very Minutes, and in the orders issued at the same time to the Commissioner, other terms implying a totally opposite meaning, these pretty expressions become mere prevarications, and fail entirely to give an air of decency to what was in fact a daring act of spoilation.[1]

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(1) [Ed.] Sir Charles Jackson thus defends Lord Dalhousie—"I can find nothing in Lord Dalhousie's Minutes to justify these remarks. He may not have been sufficiently explicit as to the destination of this fund eventually, but he states expressly, that the fund was to be an inalienable deposit for the benefit of the Bhonsla family—a statement which would seem to exclude the Government from any participation in that fund. So long as it was so kept in deposit, all the annuities and pensions to the late Rajah's family, relations and dependants—amounting to a sum far exceeding any interest the fund could produce,—were paid by the British Government. And although Lord Dalhousie did not explain how the fund was to be dealt with when the pensions were paid off, yet it is clear that he set it apart, and appropriated it, as an inalienable fund for the benefit of the Bhonsla family, and that he left the fund untouched when he resigned office in 1856. Without pledging the Government of India as to details, Lord Dalhousie laid down a principle for the administration of the fund, and left it open to some future Governor-General to deal with it, in accordance with such principle, that is, for the benefit of the Bhonsla family, in such manner as he might think just."

Sir Charles also added that, at the time of the publication of his book (1865), Sir Charles Trevelyan had absorbed this fund and capitalised it. He wrote:—"I suppose this means that the money had been taken by the Government and Government Paper substituted for it. But whatever is now done with the fund, I would only call attention to the fact, that the fund which Lord Dalhousie is supposed to have appropriated, is actually in existence and the subject of a financial operation, in 1865." (*Lord Dalhousie's Indian Administration*, pp. 79-80). The disingenuous plea that establishes only the separate existence of the fund but tells nothing about the utilisation of its proceeds, may be noticed.

Mr. Temple, in paragraph 366 of the Report, which has already been quoted at full length, terms the Bhonsla Fund "*a deposit* in the hands of the British Government," and in my opinion the term is correctly used. Whatever that gentleman's conviction may be, whatever the cause of the slight confusion and inconsistency of his expressions, he does actually leave open and undecided the question of the proprietary right to the capital raised by the sequestration of the late Raja's personal estate. But as he seems in the following passage to claim this fund for Government as "a set off" against the stipendiary provision made for the Rajah's family and retainers, we will waive for the present all preliminary objections, and inquire whether that stipendiary provision was, or is, fixed upon so liberal a scale as to constitute anything like an indemnity or equivalent for the capital appropriated and sunk. If we were to accept without further inquiry either the statement of that provision contained in the *Friend's* article, or that set forth officially in Mr. Temple's Report, the settlement would appear to be not merely liberal, but profuse and excessive. Ten lakhs per annum would soon exhaust a fund of twenty-seven lakhs.

"Liberal provision has been made," says Mr. Temple (paragraph 37), "for the family and connexions and dependents of the late Ruler. These are very numerous, owing to the extraordinary and complicated domestic relations which it was the custom of Mahratta Princes to contract. All these cases have now been finally investigated and submitted to Government. The total sum already granted or recommended amounts to Rs. 7,87,000 rupees, or 7¾ lakhs per annum. The pensioners number some 2,158 persons; and the pensions range from 8 rupees per annum, the lowest to 35,000 rupees, the highest. The stipends of both classes, then aggregate 9,82,000 rupees, or 10 lakhs per annum, an amount which will yearly grow less by lapses. Besides these cash payments, the family have landed grants, free of revenue, worth about 50,000 rupees, or half a

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lakh per annum. The total as it now stands (cash and land) is equal to about 25% of the revenues of the Nagpore province proper, or, in other words, one fourth of the income of the late Nagpore kingdom is devoted to the support of the Bhonsla family, *together with the retainers and dependents of the late Ruler*, in accordance with the political obligation of the British Government. *But as a partial set-off against this, there is the Bhonsla Fund already alluded to.*[1]

I have italicised a few words towards the close of this paragraph, which appear to disclose at once the means and the motive of what I must reluctantly call Mr. Temple's misrepresentation. I cannot consider him justified in classing all the military and civil pensioners, a large proportion of whom served during the last eight years under *our* rule, among "*the retainers and dependents of the late Ruler.*" I can make considerable allowances for a tendency to "make things pleasant," when Mr. Temple is now, for the first time since its annexation, describing the past proceedings and previous measures of Government in a

(1) [Ed.] Sir Charles Jackson maintains that Lord Dalhousie's object in the creation of the Bhonsla Fund, was not confiscation, but preservation; and that if the property of the Bhonsla dynasty was sold at a great sacrifice, as Kaye remarked, it was "a misfortune for which Lord Dalhousie is not shown to be answerable"; and "it could not have been his wish to diminish a fund which, to some extent—so long as the Government held it in deposit without paying interest—diminished the amount payable by Government for annuities and pensions."

In the joint report of Colonel Elliot and Mr. Temple, after an examination of the finances of the Provinces in October and December 1861, the aggregate income was set down at 42 lakhs for Nagpore; and the total income for the whole Provinces was assumed at not less than 80 lakhs and not more than 85 lakhs.

Mr. Temple, in para 353 of his Report, said that the political expenditure was heavy and chiefly rose from the liberal provision made by the Government for the Bhonsla family and its dependents. He added that in former years the expenditure on this account in Nagpur had been set down at 8 lakhs; but pensions under enquiry had been excluded from these. These latte rhaving all been reported on and brought up, the aggregate amounted to 10 lakhs. He thus concluded: "As a set-off against this there is the Bhonsla Fund, of which the final account was appended to the joint Report of Colonel Elliot and myself. It amounts to 20 lakhs in the aggregate. The political expenditure thus amounts to one-eighth of the total income. It will gradually diminish by lapses." (p. 384 of *The Statement exhibiting the Moral and Material Progress and Condition of India during the year 1861-62).*

Province placed in his own immediate control.[1] A graceful and generous regard for the credit of his local predecessors will explain his reticence on some points, and the peculiar light or shade given to other features in the administration. But in the present instance, all permissible licence has been exceeded. Lord Dalhousie cannot be allowed to escape over the bridge of gold constructed for him by Mr. Temple. That gentleman cannot be allowed to cast into one mass such incongruous elements, in order to manufacture a moral "set-off" for the Bhonsla Fund. He cannot be permitted to exhibit all the pensions of the Province as if they benefited the late Rajah's family, and formed some compensation for their lost sovereignty, or to balance a flagrant spoliation by this delusive show of profuse liberality.

The *Friend of India*, misled by the round sums and sweeping classification, so congenial to his object of making out a case for Lord Dalhousie, has adopted Mr. Temple's figures; and overlooking his vague allusion to certain "retainers and dependents," presents this annual sum of ten lakhs of rupees as being "devoted to the support of *the one family of Bhonslas*,"—a rather large family, if really includes as many as 2,158 members. Although a little consideration of this startling muster-roll of 2158 persons, a little closer attention to particular indications,—such as the absence of any item of civil or military pensions in the accounts,—might, perhaps, have saved the *Friend* from this extraordinary error, I must admit that he was led into it by too implicit a reliance on the exactitude of Mr. Temple's phraseology. When "the extraordinary and complicated domestic relations of Mahratta Princes" are adduced in explanation of the large number of pensioners; when it is said that "*besides these cash payments, the family* have landed grants;" who could divine,

(1) [Ed.] Temple himself says that his administration of the Central Provinces had, even in its first two years, attracted public comment and had been dubbed "Temple's Raj," the word Raj having a double meaning of kingdom and personal rule. He adds that "I had been told demi-officially, by those in and about the Government of India that the expectation formed regarding me had been answered" and that his relations with Colonel Elliot, his predecessor, were most friendly.

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who, without previous knowledge of the facts, could suspect, that all the military pensioners from the Rajah's army, and from the recently disbanded irregular force,[1] were included among the Rajah's "family annexions and dependents" by Mr. Temple, and that all their pensions, with those of the old civil officers, and of the holders of sinecures and hereditary charges on the revenue, who were relegated to the pension-list, when the annexation was complete, and in fact all the pensions of every description, and all the Inams and other rent-free lands enjoyed by relatives of the late Rajah, had been thrown together into that round sum of ten lakhs of rupees, or twenty-five per cent. of the revenues of Nagpore, which the *Friend* told us were devoted to the support of the "*one family* of the Bhonslas"? When the *Friend* has made a more accurate calculation, he will find that out of the sum of ten lakhs of rupees per annum allotted to pensioners, not even one half, not five lakhs, but rather more than four lakhs, are allotted to the "one family of the Bhonsla," including all the most distant relations by affinity of the late and of former Rajahs; so that, instead of 25 per cent., the charge on the Nagpore revenue will be about seven per cent.

The only stipends of which the particulars are given by Mr. Temple in his report are those of Janojee Bhonsla, the Ranees, and the other inmates of the late Rajah's zenana, which amount to 2,33,000 rupees per annum. I have not yet been able to state, with substantial accuracy, that all the persons registered as relations of the Bhonsla family, about two hundred in number, are in the receipt of pensions which amount in the aggregate to about 1,75,000 rupees. This sum added to the stipends of the late Rajah's immediate family, makes the total of four lakhs and eight thousand rupees, which I offer, instead of *the Friend's* ten

(1) [Ed.] In the official year 1861-62 the Nagpur Irregular Force was disbanded and caused a saving, all items included, of 9 lakhs of rupees: and during the same period the Regular Force was reduced by one regiment of Cavalry and two regiments of Native Infantry which saved at least 7 lakhs. According to Mr. Temple's Report these cut down the military expenditure from 55 lakhs to 38 lakhs. (para 354 of the Report).

lakhs, as the actual provision, subject to constant reduction by lapses, which has been made for the Bhonsla family; using that word family in the most extended sense, to include all the connexions by marriage of the late and former Rajahs.

But it must now be further explained, that these pensions amounting to the sum of 1,75,000 rupees, are not new grants, made by our Government from sheer beneficence and generosity, but old stipends and allowances granted by the Sovereigns of Nagpore, and which were confirmed by our Government to the persons whom we found in the actual enjoyment and possession of them. So that all that has actually been *granted* to the late Rajah's immediate family, including his lawful heir, as a compensation for the loss of the sovereignty secured to them by treaty, is the above-mentioned sum of 2,33,000 rupees per annum; a certain portion of which consists of life annuities to the Ranees, although the whole is under the control and management of Rajah Janojee Bhonsla as the recognised head of the family.[1] For no part of it has yet, as I understand, been declared to be a hereditary settlement on Rajah Janojee's line. All payments beyond this from the Nagpore revenue whether the amount be ten lakhs or four, neither benefit, nor compensate, the immediate family of the late Rajah. Rajah Janojee Bhonsla and the Ranees are benefited by the payment of the pensions amounting to 1,75,000 rupees per annum to about two hundred relations and connexions of the late Rajah and his predecessors, *to this extent only*, that if the Government had refused to recognise and continue the allowances which had been granted to these persons by the late Rajah, many, if not most of them, must have become dependent for food and clothing on the Palace establishment, as the only refuge from starvation. It is not quite so easy, as Lord Dalhousie and the Honourable Court of Directors seemed to

(1) [Ed.] To him the payment of the stipends of the Ranis and the general control of the palace and household were entrusted. It was the lands of Deor in the Satara district that were conferred upon Janoji and his heirs, begotten or adopted, in perpetuity.

think, for even the humblest connexions of a royal family to throw off their old habits, to learn at a moment's notice to do without their accustomed income, and "to earn an honest livelihood like their neighbours." To this limited extent, therefore, Rajah Janojee and the Ranees may well be thankful that the stipends enjoyed by their distant relatives were not cofiscated after the annexation.

But claiming, as I do, to have shown clearly in a previous part of this letter the utter injustice of making even the *new* stipends allotted to the late Rajah's nearest relatives a charge against the family property. I may be allowed, without recapitulating any part of the argument in this place, simply to urge, *a fortiori*, that this same private property should not be charged with the maintenance of *old* stipends to more distant relations

Before finally dimissing the plea of "set-off," I shall give the particulars, taken from Mr. Temple's Report, of the pensions formerly and at present assigned to the late Rajah's immediate family. "The terms of the provision for the Bhonsla family," says Mr. Temple (para 367), "were, in the first instance, declared at the annexation. These included the widows and connexions of the late Rajah. Accordingly the following pensions were granted :—

	Per annum Rupees.
The Banka Baee	1,20,000
Unpoorna Baee	50,000
Darya Baee	25,000
Anunda Baee	25,000
Kamujee Baee	25,000
Savitree Baee, (widow of Rajah Appah Sahib)	15,000
	2,55,000

But it must be remembered that whatever Lord Dalhousie granted, was simply given as *life pensions* to the Rajah's grand-mother and widows; and while for some time he completely ignored the existence of Janojee Bhonsla, he at last, when pressed by the Ranees, declared that the adopted son had not the vestige of a claim to any consideration, and declined to hear his name mentioned.

If Mr. Mansel's expectations and Lord Dalhousie's hopes had been fulfilled, the clear gain to our Government, by this extraordinary transaction, would have been enormous. For a sum of ready money estimated at not less than fifty lakhs of rupees, (£ 500,000) we should have undertaken to provide life annuities amounting to Rs. 2,40,000, (£ 24,000,) to six ladies; one of them, whose pension of Rs. 1,20,000, constituted one-half of the annual burden, being nearly eighty years of age!

But even with the sum of twenty seven lakhs,[1] actually realised by the sale of the jewels, spoons, clothes, and other personal property, and by the appropriation of the private treasure, the Government would have made a very handsome profit, had Lord Dalhousie's original intentions and instructions been adhered to. Two of the Rajah's widows are dead [2]; his grandmother, the Banka Baee, died in 1858; and under Lord Dalhousie's liberal arrangements their life pensions would long ago have lapsed; and the Bhonsla family, instead of two lakhs and fifty-five thousand, would have been receiving just sixty thousand rupees per annum, not one rupee of which would have belonged to the Rajah's heir, who might have subsisted on the bounty of his adoptive mother during her life, and after her death might have become a cooly, a beggar, or a rebel, according to his

(1) £ 270,000/-

(2) [Ed.] Annapurna Bai, the chief widow, with a settlement of Rs. 50,000 per annum made at the time of annexation, died on the 14th November, 1855. Kamalji Bai, with a settlement of Rs. 25,000, had died before the pension-list was revised. The aged Banka Bai who tided the family safely during the crisis of the Mutiny, died in the autumn of 1858.

temper, ability and opportunities. At the beginning of 1859, the life annuities of the three surviving Ranees only amounted to Rs. 60,000 per annum, or less than half of the interest at 5 per cent on the realised capital.[1]

No thanks are due to Lord Dalhousie for the revised arrangement that has recently been made; which Mr. Temple's report (paragraph 369) informs us stands as follows:—

	Janojee Bhonsla ...	Rs. 90,000	per annm.
Widows	Durga Baee ...	Rs. 45,000	do.
	Anunda Baee ...	Rs. 45,000	do.
	Savitree Baee ...	Rs. 15,000	do.
	Zenana Ladies ...	Rs. 18,000	do.
	Household slaves called Bhonslas and Barakurnees...	Rs. 20,000	do.
		Rs. 2,33,000	

Mr. Temple adds :—" Janojee was constituted head of the house, and to him the payment of the stipends of the Ranees, and the general control of the Palace and household were entrusted." But although a very general impression prevails at Nagpore, that the annual sum payable at present cannot be diminished, at least not during Janojee Bhonsla's life, all that has actually been settled upon him is the above-mentioned stipend of Rs. 90,000 per annum; and both this and the Ranees' pensions are still nominally life annuities.[2]

Thus the Government of India is at present paying an annual sum of Rs. 2,33,000 in pensions to the late Rajah's immediate family, several of whom are aged females; while it has held during the last seven years, under the name of the Bhonsla Fund, a sum of 27 lakhs of rupees, derived from the sequestration and sale of the late Rajah's

(1) [Ed.] Thus Durga Bai, (Rs. 25,000), Ananda Bai (Rs. 25,000) and Savitri Bai (Rs. 10,000) were the three surviving Ranis of the late Raja.

(2) [Ed.] See note on p. 276 above.

personal estate, the annual interest of which is Rs. 1,35,000 per annum. If the Government claims the possession or reversion of the Bhonsla Fund,—as Lord Dalhousie certainly intended, and as Mr. Temple would seem to imply by the use of the term "*set-off*"—an actuary's report on the transaction would show that the annual pensions to the late Rajah's immediate family are really provided without any cost or charge whatever, or with a very insignificant charge, against the revenues of India. So finally vanishes into thin air, the last vestige of the annual ten lakhs of rupees allotted to "*the one family of the Bhonslas*" by Lord Dalhousie's unexampled liberality, according to the *Friend of India*'s version.

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LETTER X.

THE TIGERS OF MYSORE.[1]

Madras, *March,* 30*th*, 1861.

In the final settlement which he has recently made of the Mysore Princes' claims, Sir Charles Wood appears—so far as can be judged at present,—to have picked out for redress the least hard and the least pressing of the many hard cases before him, to the detriment and neglect of several much more urgent moral claims, arising from the late Governor-General's eight years' raid among the tall poppies of India, and with the effect of adding to the probabilities and facilities of those weightier cases being more vigorously agitated. It is difficult to understand how Prince Azeem Jah and the representatives of the Tanjore and Nagpore families can be rejected when Tippoo's descendants have met with such liberal treatment.

And for this last reason I am surprised to find that so many natives at Calcutta have been induced to sign their names to petitions, and thus to swell the chorus of the commercial and official opposition to the Mysore grant. [2] The intention of the

(1) [Ed.] The family of Tipu was known as the brood of the tiger.

The popular idea is that, as Hyder means lion (a name of Ali, the son-in-law of the Prophet), so Tipu means tiger. He was named Tipu Sultan after a holy man whose shrine is at Arcot, near which Hyder was staying at the time of his son's birth. "The tiger however was adopted by Tipu as emblematic. His throne was in the form of a tiger, with the head life-size, in gold (now at Windsor Castle, also the *huma*, or bird of paradise, covered with jewels, which glittered at the top of the canopy,) and tigers' heads formed the capitals of the eight pillars supporting the canopy. His own uniform and that of his soldiers were covered with the tiger stripe; and this was also engraved on his guns and other articles. Tigers were chained at the entrance to his palace, and he is declared to have said that he would rather live two days as a tiger than two centuries as a sheep." (The *Mysore Gazetteer*, (A new edition)—Vol. II—Part IV—p. 2668).

(2) The natives at Madras were too cautious to be drawn into any such course. They rejoiced at the good promise of this liberal measure.

Secretary of State to re-establish that confidence in our good faith which was so effectually shaken by Lord Dalhousie, requires to be encouraged rather than checked, more especially after the resistance offered by the Legislative Council. Whatever our financial difficulties may be, they must not be allowed to prevent the satisfaction of any approved claim to mere restitution, still less to form a plea for refusing to listen to any such claim.

While I consider the claims of Tippoo's family on the generous consideration of our Government to be very weak when compared with others still disregarded, and while I have not a doubt that the family had no *legal* claims at all,—since they were never admitted as parties to any treaty, or agreement or capitulation with their conquerors,—I am well aware that the adverse case against the Mysore Princes has been too often supported by arguments that will not bear a close examination, and by rhetoric of the flimsiest texture. For instance, I have never had any patience with the cuckoo-cry of tyrant and barbarian against Tippoo. It is not to the purpose, it is scarcely ingenuous to declaim, as many have done, on the violent rise and ephemeral existence of Tippoo's dynasty, to term Hyder Ali a robber chief and a usurper,[1] and his son a blood-thirsty-fanatic, [2]—and then to

(1) [Ed.] Hyder's rise in importance and power dates back to 1749 when he was appointed by Nanja Raja to the charge of one of the gates of Devanahalli, then a frontier fortress of the Mysore kingdom. In 1760, when Khande Rao revolted against Hyder's supremacy, he endeavoured with the help of the Dowager Rani to rid the Raja, his master, of the new usurper of his sovereignty and agreed in the view put forth to him that "if this opportunity were lost, the Hindoo House of Mysore might be considered as extinct." Khande Rao appealed to the English at Madras, (Military Country Correspondence, 1760, Records of Fort St. George) in the name of the Raja, declaring that the help given by Hyder to the French was against the Raja's orders, that he was a rebel and that an alliance should be made between the Raja of Mysore and the English. But Hyder triumphed over Khande Rao finally and his usurpation became complete.

(2) [Ed.] Contemporary opinion was sharply divided as to whether Tipu Sultan was a tolerant ruler or an intolerant bigot. Kirkpatrick (in his *Select Letters of Tippoo Sultan*) says that Tipu was "the cruel and relentless enemy; the intolerant bigot or furious fanatic; the oppressive and unjust ruler; the harsh and rigid master; the sanguinary tyrant; the perfidious negotiator; the frivolous and capricious innovator; the mean and minute economist; the peddling trader and even the retail shop-keeper."

assume that the princely dignity of the family, and their claims upon our generous consideration, are destroyed and disposed of.

Hyder and Tippoo were both of them Sovereign Princes whom we had recognised in every possible form, and with whom we and our allies had been from time to time connected by every international obligation. We made war and peace with them; we accepted cessions of territory from them; we made treaties of perpetual friendship and of defensive alliance both with father and son.

Nor can Hyder Ali's successful assumption of supreme power in Mysore be fairly considered as the mere result of a greedy and traitorous ambition. It was a most legitimate dynastic revolution,–the only revolution possible in a certain stage of society,–urgently

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Lieutenant Moor (*A Narrative of the Operations of Captain Little's Detachment* ;pp. 193-203) says that "those, however, who do not choose to be carried away by the torrent of popular opinion, but, in preference to thinking by proxy, venture to think for themselves, can find the same excuse for the restlessness of Tippoo, as for that of any other ambitious sovereign; and on the subject of his cruelties, venture to express a doubt whether they may not possibly have been exaggerated." "He ridicules the fantastic stories about Tipu's cowardice and suspicion which obtained credit and currency even among educated and intelligent Englishmen, and emphatically asserts that Tipu's subjects were as happy as those of any other sovereign."

Michaud, a Frenchman, and Kirmani have favourably painted the picture of Tipu's rule. With regard to his fanaticism and bigotry and his failure to respect the religious susceptibilities of his non-Muslim subjects, Kirkpatrick admits that the conversions were not warranted by political needs; and in the forcible conversion of many thousands of Coorgis and Nairs, he says that "he most probably thought such enormities no less warranted, both by the example and precepts of the founder of his religion." The charge of forcible conversion is supported by the Sultan's own letters and by the narratives written by the English prisoners. Prof. S. N. Sen, in his *Studies in Indian History* (pp. 155-169), says that a bundle of letters discovered by Rao Bahadur R.A. Narasimhachar of Mysore in the Sringeri Monastery and detailed in the *Mysore Arch. Report* for 1916, shows the Sultan in the totally unexpected role of the protector of his Hindu subjects and patron of a Hindu monastery. 17 of these letters are dated in 1791, 5 in 1792; 2 in 1793; 1 in 1794; 1 in 1795; 1 in 1796 and 2 in 1798. Tipu protected the place and made good the losses sustained by it owing to Maratha desecration. He seems to have been hard only on refractory Hindus on whose obedience he could not count. His zeal was only due to his belief that a pan-Islamic programme was likely to appeal to the Muslim potentates in India and abroad. Wilks describes Tipu in one place as 'half a Hindoo'; and Hyder himself initiated the policy of the wholesale transplantation and conversion of people; Tipu only followed him; but he also knew how to placate Hindu opinion. (See also A. Subbaraya Chetty's *New Light on Tipu Sultan*. (in the *J. A. H. R. S.* Vol. V II)

and imperatively called for in a great political crisis by the weakness of a secluded Rajah and the vicious incapacity of a hereditary minister.[1] By its physical conformation Mysore seems as naturally

(1) [Ed.] In 1756, the young Raja of Mysore attempted to throw off the yoke of his ministers, Deva Raja and Nanja Raja; the latter stormed the palace, forced the Raja to take his seat on the throne and then cut off the noses and ears of his partisans before his very face. This affair led the milder Deva Raja to retire from the capital; while Hyder Ali who had already risen into importance and enlisted a large body of Bedar peons and Pindari horsemen and become the Faujdar of Dindigul, instructed Khande Rao, one of his adherents, to go to the town of Seringapatam at once. Before Hyder arrived, the Marathas under Balaji Rao appeared in Mysore, demanded a contribution and besieged Seringapatam. Nanja Raja pleaded inability and was forced to surrender a large tract of country in pledge for 32 lakhs of rupees that he consented to pay. On Hyder's arrival, he expressed his regret that his troops had not been ordered from Dindigul and advised that the revenues should be withheld from the Marathas and their troops expelled. Hyder then returned to Dindigul and planned the conquest of Madura in which, however, he did not succeed. Shortly afterwards he returned to Seringapatam where the troops had mutinied for arrears of pay and sat *dharna* at the gate of Nanja Raja. Deva Raja was shortly afterwards restored to power by Hyder and Nanja Raja was required to make atonement to the Raja for his former outrage. Deva Raja died six days after his arrival; and Nanja Raja requested Hyder and Khande Rao to arrange to pay the troops and quell the mutiny. Hyder contrived to settle all the claims; and having placed his own troops as guards of the fort, he seized all the wealthy chiefs in the army and confiscated their property. He got rid of Hari Singh whom he regarded as a rival and got an assignment of the revenues of Coimbatore and the fort and district of Bangalore as a personal *jaghir*.

When the Marathas renewed their invasion of Mysore in 1759, occupied Bangalore and surprised Channapatna, Hyder was appointed to the chief command of the army to oppose this invasion, took back Chennapatna and successfully negotiated with the invaders for a relinquishment of all their claims for 32 lakhs of pagodas; and he arranged that he should have the management of the restored districts in order to realise the amount. He returned in triumph to Seringapatam where the Raja saluted him with the title of Fateh Hyder Bahadur. Soon afterwards Nanja Raja retired into private life after a defeat at the hands of Hyder for which the latter got a further assignment of 4 districts. In 1760, Hyder made an agreement with the French against the English and took possession of the Baramahal region from the Nawab of Cuddapah, as well as of the fort of Tyagadrug. Khande Rao failed in an attempt to displace Hyder Ali from power and was defeated decisively at Katte Malavadi. He had intrigued with the dowager Rani and attempted to secure the help of the English at Madras against Hyder. Khande Rao was outmanœuvred by Hyder in dissimulation and made a close prisoner (1761).

Hyder's usurpation of power was now complete. He entered on the government with "a studied show of reluctance and a mock submission to the Raja." Also he got the office of Nawab of Sira and the title of Hyder Ali Khan Bahadur from Basalat Jang, a younger brother of Nizam Ali. He now conquered Sira, Chitaldrug, and Bednore, reformed the army and court etiquette, appeased the Marathas and the Nizam and conquered Malabar. During these operations, the reigning Raja, Chikka-Krishna Raja, died in 1766. When Hyder installed his eldest son, Nanja Raja, on the throne, the latter would not acquiesce in his subservient position. Hyder resumed the three lakhs of pagodas allowed for the Raja and plundered the palace thoroughly, placing his own guards over it. Nanja Raja tried to throw off the usurper's yoke and opened negotiations with the Marathas who, however, joined with the Nizam, in an invasion of Mysore and retired only on payment of 35 lakhs of rupees. Hyder persuaded Nizam Ali into an alliance with himself against the English. He also contrived to make a close prisoner of Nanja Raja, the old Dalavai. He made an arrangement with Nizam Ali that the territories up to the Tungabhadra should be transferred to his control and levied contributions on the Pathan Nawabs of Cuddapah and Kurnool and the poligars of the neighbouring country. He had become a real sovereign prince

adapted for independence as Switzerland; and this was more especially the case, when the frail fabric of Aurungzebe's Empire was rapidly disintegrating under the influence of the Hindoo national revival and revolt initiated by Sivajee, which tempted and almost compelled the Viceroys of the King of Delhi to strengthen themselves against Mahratta conquest and local insurrection, by assuming monarchical power and virtual independence.

Nothing but the vigour of Hyder's rule could have preserved the "autonomy" of Mysore, or prevented it from falling into the hands of the Nizam, to whose regency, according to the Mogul provincial system, it belonged. Nothing but a strong and able government could have saved the flourishing provinces of the Balaghaut, the Baramahal, Malabar and Canara, from the swift devastation of the Mahratta "moolk-geeree," the perpetual and usurious demands of the Mahratta Chout.[1]

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by the epoch of the 1st English war with him, which ended with the Treaty of Madras (1769) which was one that "nothing can relieve it from the character of dictation" on Hyder's part under the walls of Madras and "nothing can take away from it the unnecessary and insulting degradation" under which it was concluded by the authorities at Fort St. George.

(1) [Ed.] Chikka-Deva Raya (1673–1704) preserved and even enlarged the prosperous state of Mysore amidst the convulsions and revolutions which prevailed throughout the Deccan and the Carnatic. In the time of Dodda-Krishna Raya (1713–1731), Sadat-ulla Khan who had hitherto ruled, as the Mughal representative, over the whole of the Carnatic Bijapur, was confined to the Payenghat and was called the Nawab of Arcot; and a separate officer, called Amin Khan, was appointed to be the Nawab of Sira and placed in charge of Balaghat. Sadat-ullah Khan combined with the Nawabs of Cuddapah, Kurnool and Savanur and the Maratha chief of Gooty, to encroach upon Mysore whose Raja was glad to buy off this formidable confederacy, by paying a crore of rupees to the Khan who pocketed for himself a good portion of the sum. This affair led to further exactions. Two years later, the Marathas appeared before Seringapatam and levied a contribution. The Raya was only a pageant and all power fell into the hands of his ministers, Deva Raja who was the Dalavai and his brother, Nanja Raja who combined in himself the offices of *Sarvadhikari* (head of finance and revenue) and *Pradhana* (councillor). They could not be displaced from power by Chama Raja Wodeyar (1731–34) who made an attempt to do so. The Nawabs of Arcot jealously opposed the rights of the Nawab of Sira to receive tribute from the rich state of Mysore; and the weakness of Nawab Tahir Khan of Sira led Nawab Dost Ali Khan of Arcot to send a large army to exact a contribution from Mysore which, however, successfully repelled the invasion. In 1746, Nasir Jang, son of Nizam-ul-Mulk, advanced on Seringapatam, by order of his father, in order to levy a contribution; and a deputation was sent forth to meet him, tendering allegiance. In 1750, Nasir Jang, now Nizam, ordered the Mysore troops to follow him in an expedition on Arcot; and a Mysore force which included Hyder and his brother was sent under Berki Venkat Rao to join his army. Salabat Jang and his general, M. Bussy, advanced on Mysore in 1756, to demand arrears of tribute and got a promise of 56 lakhs. In 1756 the Marathas under Balaji Rao appeared, demanding a

The Nizam, with the addition to his dominions of Mysore and its dependent provinces, integral parts of the Deccan Viceroyalty, which but for the genius and energy of Hyder he would easily have wrested from the effete government of the Rajah, would have been the most powerful monarch in India. The Nawab of Arcot could not have gained his nominal independence under our tutelage and protection, and for our benefit, but must have remained the humble vassal of Hyderabad. From the passes of Mysore[1] the Nizam would have domineered over the Carnatic and Madras even more effectually than the Peishwa actually did over Bombay from the Western Ghauts, until family and federal intrigues, and the mutual enmities of the Mahratta chieftains, invited our interference in 1802.

Lord Wellesley's Minutes after the fall of Seringapatam in 1799, prove that these were his views, and that the chief argument for exhuming the infant Rajah and placing him on the musnud, was that ' the partition of Mysore with the Nizam would have raised the power of that Prince to a dangerous height; and would have given him many strong fortresses which could not have been placed in his hands without imminent danger to the British frontier."[2]

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contribution; and Nanja Raja was compelled to effect a settlement with them for 32 lakhs of rupees. The Marathas returned in 1759 and raided Bangalore and Channapatna. Hyder really made himself supreme after his warfare with the Marathas for three months.

See note on p. 284 for the reassertion of Mysore's strength and its enlargement under Hyder's supremacy.

(1) [Ed.] Hyder's conquest of the Baramahal from the Nawab of Cuddapah in 1760 in order to clear the way from Seringapatam to Arcot and the victory of his troops at Tiruvati in July showed the ease with which an army could descend into the neighbourhood of Cuddalore and Pondicherry from the Mysore table-land. Hyder's invasion of the Carnatic in August 1767, by one of the passes near Krishnagiri, and his encounter with Colonel Smith at Tiruvannamalai, his subsequent descent into the Baramahal in 1768, his plundering raid into the Carnatic and his dictation of the Treaty of Madras proved the vulnerability of the Carnatic plain from the master of the Mysore plateau. His great invasion of the Carnatic in 1780 is another confirming illustration of this statement.

(2) Mill and Wilson's Hist. Ind., Vol. VI; p. 165.

It might appear paradoxical to assert that Hyder Ali contributed more than any other individual to prepare the way for the establishment of our supremacy in the South of India; and yet the fact is undeniable. He opened the way for us by setting aside the ancient rights and nominal severeignty of the incapable Rajah, while he warded off and evaded, at once the established and pompous authority of the Nizam, and the national, or as we may call them, the Hindoo federal pretensions of the Mahrattas, to either of which powers the possession of Mysore and its dependencies would have given a tremendous preponderance, and an inestimable vantage-ground.

Hyder Ali,[1] in seizing on the supreme executive power in Mysore, acted on sound statemanlike principles, and on motives which as well deserve to be called patriotic as those which led

(1) [Ed.] Schwarz, the famous missionary, who was sent by the English to Hyder as peace-maker in 1779, remarked as follows upon his methods of administration,—"Here (in his palace) reigns no pomp, but the utmost regularity and despatch. When I sat near Haidar, I particularly observed in what a regular succession, and with what rapid despatch, his affairs proceeded one after the other. Whenever he made a pause in speaking, an account was read to him of the district and letters received. He heard it and ordered the answer immediately."

Captain Innes Munro has left on record a contemporary account of Hyder's talents, in which he says:—"Many have compared the military genius and character of Hyder Ally to those of the renowned Frederick the Second, King of Prussia; and indeed, when we consider the distinguished abilities of that prince among his contemporaries in this country, and the intrepid manner by which he had established himself upon the throne of Mysore, and extended his dominions, one cannot but allow the simile to be exceedingly just." Again he says:—"The surprising energy of this man's uncultivated mind (for he is totally ignorant of letters) when compared to the rest of his contemporaries in power. is truly worthy of administration...He is not only sublime in his views, but capable of seeing them minutely executed. His ends are always great, his means prudent, and his generosity unbounded, whenever proper objects offer. Nor can any prince be more watchful over the intrigues of his enemies both abroad and at home..."

"He secretly entertains an implacable aversion to all Europeans, which he takes as much care to instil into the mind of his son Tippu, as Hamilcar, the famous Carthaginian general, did when he caused Hannibal to take the oath of perpetual enmity against the Romans...his reasons were too well founded ever to admit of a deviation from them; *nor can he be blamed for breathing a spirit of patriotism, which is natural to every native of Hindostan.*" (*A Narrative of the Military Operations on the Coromandel Coast etc.* 1789) Letter XI.

See also *Wilks*, (Vol. II; Ch. XLVIII); the *Nishani Haidari* (*History of Hydur Naik* by Kirmani and *tr.* by Miles) (O.T.F.) (Ch. XXXI); and M. M. D. L. T's *History of Hyder Shah* (revised)—1855.

Vespasian[1] to the throne of the Caesars, or Oliver Cromwell to the Protector's chair. Whatever admixture of a lower element there may have been there in their motives and their intentions, the Roman, the Englishman, and the Indian Mussalman must have been, each of them, in his time and in his place, conscious of being the best, if not the only possible ruler. Whether it is natural, honest, courageous or patriotic, to resist such a consciousness, and to shrink from its dangers and its glories, I leave to the candour or to the casuistry of my readers.

I demur then to the ordinary judgment upon Hyder's elevation, as if it had been something violent, irregular and illegitimate. I equally demur to the generally accepted presumption that Hyder and Tippoo[2] were sanguinary tyrants and cruel oppressors of their subjects. On this point I shall call for the evidence of

(1) [Ed.] The plebeian Vespasian was an accomplished soldier and honoured by the legions of Syria where he was lieutenant to the Proconsul, Mucianus. Together with his son, Titus, he was actively employed in Palestine. Both he and Mucianus had nominally acquiesced in the claims of Galba, Otho and Vitellius in succession to the Empire. Mucianus was devoid of personal ambition; but Vespasian was inspired with a fanatical belief in his own good fortune and became filled with the idea that he was destined for the empire. Mucianus conceded to him the first place and lent him all his influence; and the Syrian legionaries proclaimed him Imperator, to which the titles of Cæsar and Augustus were specially added (July 69 A. D.). Vitellius, the Emperor, *de facto*, was grovelling in Rome in beastly indulgences; and the legions of Vespasian, led by Antonius Primus and Mucianus, carried everything before them, sacking the capital itself and bringing about the death of Vitellius. The accession of Vespasian marks an important epoch in Roman History and the initiation of the Flavian house. The reign was a restoration of harmony and mutual confidence between the remnants of the old Roman race and the various peoples of the Empire. Vespasian was mature in years, contrived to control his passions and caprices and maintained the character of a strictly constitutional sovereign.

(2) [Ed.] Tipu Sultan has been detailed in his character and elements of strength and weakness by Wilks, who declared that the "decision of history will not be far removed from the observation, almost proverbial in Mysore, that Hyder was born to create an Empire, Tippoo to lose one." M. Michaud says that Tipu "occupied himself too much with the means for displaying his power, and not enough with those for preserving and strengthening it. (*Historie des progress de la chute de l'empire de Mysore*—1809). Kirmani who expressed contemporary Muhammadan opinion, gives a sketch of Tipu, which, while not being extravagant, is fair. Later European writers on Tipu like L. Bowring and J. R. Henderson have been more sympathetic than Wilks.

two intelligent officers to whom we are indebted for the best information of the campaigns of 1791-2.

"When a person," says Lieutenant Moore, "travelling through a strange country, finds it well cultivated, populous with industrious inhabitants, cities newly founded, commerce extending, towns increasing, and everything flourishing so as to indicate happiness, he will naturally conclude it to be under a form of government congenial to the minds of the people. This is a picture of Tippoo's country, and this is our conclusion respecting its Government.[1] "

And Captain Dirom says :—" Whether from the operation of the system established by Hyder, from the principles which Tippoo has adopted for his own conduct, or from his dominions having suffered little by invasion for many years, or from the effect of these several causes united, his country was found everywhere full of inhabitants, and apparently cultivated to the utmost extent of which the soil was capable; while the discipline and fidelity of his troops in the field, until their last overthrow, were testimonies equally strong, of the excellent regulations which existed in his army. His government though strict and arbitrary, was the depotism of a politic and able sovereign, who nourishes, not oppresses, the subjects of his future aggrandisement.[2] "

In 1799, without taking our treaties with him into consideration, no prince in India was more legitimate than Tippoo Sultan, more firmly seated in possession of his throne, or surrounded by a more devoted body of servants or a more contented people.[3]

(1) *Narrative of the Operations of Captain Little's Detachment*, p. 201.

2. Diroms' Narrative, p. 249. *Additional Note*—[Ed.] Dirom adds that his cruelties were in general only inflicted on those whom he considered as his enemies.

(3) [Ed.] Tipu was the first Muhammadan prince who "since the establishment of the Mogul Empire, has openly disclaimed the authority of the King of Delhi, or Great Mogul; and who has presumed, to impress coins with only his own title." The great seal which he adopted soon after his father's death and which he affixed to all his public dispatches, is expressive of his ambition and contains a Persian couplet to the following purport :—

"From conquest, and the protection of the Royal Hyder, comes my title of Sultan: And the world, as under the sun and moon, is subject to my signet."

He was our enemy, no doubt, and with good reason, and we were his enemies and with good reason also; it suited us to attack him, we conquered and he fell. Having decided to extinguish the Mahomedan sovereignty, and to divide the territory, we found a large family of Princes thrown upon our hands,—Princes born in the purple, nurtured in palaces, whose hereditary rights had been recognised by treaties, and some of whom had in former years been received as royal guests by the British Viceroy. What was to be done with them? The simple old Oriental plan would have been to cut off all their heads, or to immure them in dungeons: but as that did not exactly suit our notions, the only alternative was to treat them handsomely, and Lord Wellesley determined to do so.

Lord Wellesley's first plan after Seringapatam was taken, was that of recognising one of Tippoo's sons; and he was not deterred from this settlement by any doubt of its justice, or by any disregard for the claims of the family, but solely by considerations of British Interests, and a dread of French influence.[1] He writes to Dundas, the 7th June 1799, "It would certainly have

(1) [Ed.] His letter to Colonel Wellesley and the members of the Army Commission dated Fort St. George, 20th May, 1799—the Commission continued to function till the arrival of Mr. Henry Wellesley at Seringapatam, though the order for its supersession was issued on the 14th of May—desired the Commissioners to report on the character, dispositions and views of the sons of Tipu Sultan, their connections with domestic and foreign parties and politics, whether they had entered into Tipu's views of establishing an alliance with France, or disapproved of them, as also the state of the family of the ancient rajas of Mysore and the characters and description of the persons composing it. The considerations that he would urge upon their views were:—(1) That mode of settlement is to be preferred which shall unite the most speedy restoration of peace and order with the greatest practicable degree of security for the consideration of both.

(2) For this purpose the interests of the Company and those of the Nizam, the Marathas and the leading chieftains of Mysore must be conciliated.

(3) The military power of Mysore must be broken or absolutely identified with that of the Company.

(4) Seringapatam must be in effect a British Garrison, under whatever nominal authority it might be placed; and the Company must retain the whole of the Sultan's territory in Malabar, in Coimbatore and Dharapuram, with the heads of all the passes on the table-land.

The last contains a mere matters of detail; but Wellesley considered them to be so essential to the stability of any new settlement that he stated them here "as fundamental articles in every possible view and modification of the question."

been desirable that the power should have been placed in the hands of one of Tippoo's sons; but the hereditary and intimate connection established between Tippoo and the French, the probability that the French may be enabled to maintain themselves in Egypt, and the perpetual interest which Tippo's family must feel to undermine and subvert a system which had so much reduced their patrimony and power, precluded the possibility of restoring any branch of the family of the late Sultan to the throne, without exposing us to the constant hazard of internal commotion, and even of foreign war.[1]"

And he expresses similar views in his report on Mysore affiairs to the Court of Directors:—"The usurpation, though not sanctioned by remote antiquity, had subsisted for such a length of time as to have nearly extinguished the hopes of the Hindoo family, and to have accustomed them to the humility of their actual fortunes; while the sons of Tippoo Sultaun, born in the state of royalty, and educated with the proudest and most exalted expectations of sovereignty and power, would be proportionately sensible to the sudden change of their condition, and to the unexpected disappointment of their splendid prospects. In this view of the subject it would have been more grateful to my mind (securing a munificent provision for the ancient family of Mysore) to have restored that of Tippoo Sultan to the throne; if such a restoration could have been accomplished without exposing

1. Wellesley's Despatches, Vol. II, p. 36.—*Additional Note*: [Ed.] Wellesley added that "if I were to look to moral considerations alone, I should certainly, on every principle of justice and humanity, as well as of attention to the welfare of the people, have been led to restore the heir of the ancient Rajah of Mysore to that rank and dignity which were wrested from his ancestor by the usurpation of Hyder Ali." Every motive must concur to attach the heir of the Mysore family, if placed on the throne, to our interests, through which alone he can hope to maintain himself against the family of Tippoo......but I am happy to be able to assure you that the jealous policy of Tippoo, added to the brilliant and rapid success of the war, has left no Mahomedan influence in Mysore from which any serious opposition is to be apprehended.......The Rajah of Mysore will therefore be easily restored to the throne, and maintained on it under the protection of the Company, the Nizam, and I trust also of the Mahrattas, who certainly all have a concurrent and common interest, in the exclusion of Tippoo's family, especially since the discovery that Tippoo's alliance with France was directed not only against the existence of the British power in India, but also against the Mahrattas and the Nizam, at least to the extent of recovering the districts ceded to those powers under the treaty of Seringapatam."

Mysore to the perpetual hazard of internal commotion and foreign war, and without endangering the stability of the intended settlement of your interests and those of your Allies in this quarter of India."[1]

The Duke of Wellington, who was his brother's chief local adviser at this period, writing from Seringapatam, 23rd May 1799, would seem to have been at first inclined to prefer the pretensions of Tippoo's family to that of the infant Rajah. "I think," says he, "that the persons about the General now seem to be of opinion that it would be best to restore part of the country to one of the sons of Tippoo, keeping garrisons in its forts and strongholds, or taking from him annually a certain sum as tribute. This is one of Purneah's praposals,[2] upon which it must be observed that they were all framed with a view to his own interest, and the future management of the revenues of the country to be restored, by himself. Although I don't think that there is any reason to believe, as he states, that the country cannot be settled unless part of it is restored in some manner to

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(1) Wellesley's Despatches, Vol. II, p. 78.

(2) [Ed.] General Harris, writing to the Governor-General, on May 13, 1799, outlined the plan proposed by Purniah to him that morning, "by the adoption of which alone in his opinion, the immediate restoration of order and tranquillity could be obtained." The following was the outline:—(1) One of the family of Tipu Sultan should be placed at the head of the government. (2) The Prince should pay to the English such tribute as shall be agreed upon. (3) English troops should garrison such forts as they deem necessary for the security of the country. Purniah further suggested that Fateh Hyder should be the Prince selected. When, in the course of the conversation, the possibility of the establishment of a Hindu government in favour of the ancient family of Mysore was hinted, "Purniab cautiously evaded entering into this idea, in the slightest degree." General Harris concluded his letter with the remark that "the Mahomedan interest is so intimately blended with every department of the State in this country, that no plan by which it is set aside in favour of an Hindoo Prince, could produce the very desirable effect of restoring tranquillity, and reconciling the troops, and most powerful class of the inhabitants to the change of Government." (Martin's *Wellesley's Despatches*, Vol. II; pp. 7–9).

Sir Arthur Wellesley, writing to his brother on the 8th of May, suggested that all the dominions of Tipu might be taken as a conquest subject to the following restric- tions: (1) Tipu's women and those of his father ought to have suitable jaghirs; and likewise, each of his sons. (2) The great Sardars in Tipu's service ought to be well provided with jaghirs and allowed to choose under which of the three governments they would live. (3) The remainder of the territory is to be divided into 3 parts, equal or otherwise, and taken by the allies; but the English must have Seringapatam and a safe communication with it from the Carnatic and the sea-coast (*A Selection from the Wellington Despatches*—*ed*. by S. J. Owen—p. 68).

one of Tippoo's sons,—that, on the contrary, I am certain, it can be settled under any arrangement that you think proper,—it is not quite clear that the most politic and the most proper measure, and certainly the most generous one, would not be to place one of them in the Government of part of it."[1]

Having thus endeavoured to throw some light on the status of Tippoo and his family at the time when we conquered and divided his dominions, let us next examine our own position under the treaty of Mysore with the Nizam. When the alleged claim of the Mysore Princes,—which probably was never made,—to be considered as principals or parties to the treaty is dismissed as quite untenable, it is still not apparent how we can repudiate or withdraw from our accepted responsibilities as trustees for the share of revenue set apart for Tippoo's family, over and above our share, under the Partition Treaty of Mysore. It is true that to avoid perplexing relations and possible disputes with the Nizam, we stipulated that neither Government should have the right of questioning the distribution or diminution of the incomes reserved for the families of Tippoo, and of his great Cavalry General, Meer Kummer-ood-deen;[2] but it seems to me that we thereby assumed a heavier moral obligation, and were more firmly bound to a generous construction of our duties as the conquering power.

1. Supplementary Despatches, Vol. 1, p. 221. *Additional Note*—[Ed.] From his letter dated Seringapatam, 23rd May, 1799.

(2) [Ed.] Article 1 of the treaty of 22nd June, 1799, between the Company and the Nizam, pledged the Company to provide effectually, out of the revenues of the districts assigned as the Company's share, for the suitable maintenance of the whole of the families of Tipu Sultan, and "to apply to this purpose, with the reservation hereinafter stated, an annual sum of not less than two lakhs of star pagodas." The next article pledged the Nizam to provide liberally from the revenues of the districts assigned as his share, for the support of Mir Kamar-ud-din Khan and his family and relations and "to grant him for this purpose a personal jaghir in the district of Gurrumkonda," equal to the annual sum of Rs. 210,000, or 70,000 Kantiraya pagodas. A Kantiraya pagoda was nominally 10 Kanthiraya fanams which were originally coined by Kanthiraya Narasa Raja. This was employed in accounts, particularly in the northern districts.

Under article 6, the Company was at liberty to make such deductions from time to time from the sums allotted by the 1st article for the maintenance of the family of Tipu, in consequence of the death of any of its members and in the event of any hostile attempt on their part against the English. Article (1) of the separate treaty

In the Legislative Council on the 8th December last, Sir Barnes Peacock, already committed to a total denial of the Mysore claims by his advice given as legal member of the Supreme Council five years before, but who, as an experienced lawyer, ought to be aware of the indispensable obligation to precision in defining and explaining all the terms used in a case, was most unfortunate in one of the arguments. He tried to prove that the provision made for Tippoo's family by the Partition Treaty of Mysore, was only 'intended for those in existence at that time, and not for their descendants," by citing the corresponding case of Meer Kummer-ood-deen, to whom the Nizam in the same Treaty, undertook to grant a "personal jaghire" of 210,000 rupees. [1] Sir Barnes Peacock argues that if the Nizam only bound himself to grant a "personal jaghire" to Kummer-ood-deen, while we bound ourselves to provide for Tippoo's descendants in perpetuity, we should have been placing ourselves in a worse position, and assuming a heavier burden than our ally.

But as Sir Barnes admits that the intention of the treaty was to give each of the two powers an equal share of the revenue

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with the Nizam, provided that, to whatever amount the stipends allotted to the family of Tipu and to Kamar-ud-din Khan might be diminished in consequence of any one of the stipulations of the former treaty, the contracting parties should not be accountable to each other on this head. (H. G. Brigg's. *The Nizam*, Vol I, Appendix XXVI—pp. 269-70 & 79).

(1) [Ed.] See note above on article 2 of the Treaty of Mysore (22nd June, 1769). This sum was "over and above, and exclusive of a jagheer which the said Nawab (Nizam) has also agreed to assign to the said Meer Kummer-ood-deen Khan for the pay and maintenance of a proportionate number of troops to be employed in the service of his said Highness."

Sir Arthur Wellesley wrote of Kamar-ud-din Khan, to his brother, on the 13th May 1799 thus :—"He had behaved so well and by coming in so early, has rendered us so great a service that, *cout equi coute*, we ought to give him what he wishes for. If he had remained in arms, we never could have settled this country, unless we incurred the enormous expense of keeping our army in the field, and even then the operations to be carried on would be liable to all the hazard of protracted military operations. He has saved us this at least, and has thereby rendered us a service almost as great as any of those rendered by the Nizam.

acquired by the partition, their net shares being in the treaty expressly calculated after deducting the annual incomes provided for Tippoo's family and for Meer Kummer-ood-deen respectively[1], it is obvious that Sir Barnes Peacock's interpretation would have placed the British Government in a much more advantageous position than that of the Nizam, for if the incomes provided for these two families were only "intended for those in existence, and not for their descendants," we should have secured a reversion of seven lakhs of rupees, while the Nizam only secured one of two lakhs.

Sir Barnes Peacock's mistake arises from his misunderstanding, and consequently misstating, the meaning of the word "personal" when applied to a jaghire. He supposes it to be equivalent to "for life only," and to be opposed to "hereditary," an error from which a very little research even in the records of the Bombay Inam Commission would have saved him. A "khass" or "personal" jaghire was granted for the support of the grantee's rank and dignity, and is distinguished from a "tunkhwah" or "service" jaghire which was granted for the support of quota troops.[2] The term "personal" was not opposed to "hereditary" but to "service." The Nizam in the treaty promised to grant Meer Kummer-ood-deen a "service" jaghire in addition to his personal estate. Indeed, it was the class of personal jaghires alone that was ordinarily, almost invariably, held on a hereditary tenure, while service jaghires were seldom allowed to descend unconditionally, and were always resumable at will.

(1) [Ed.] The Company's share of the territories given to them, as in Schedule A of the Treaty, had an estimated value, according to the statement of Tipu Sultan in 1792, of Cantiraya pagodas 777, 170/6¾ after deducting for the provision for Tipu's family, *i.e.*, 2 lakhs of star pagodas or 240,000 Kantiraya pagodas, what remained to the Company amounted to Kantiraya pagodas 537170/6¾.

The Nizam's share of the territories given to him as in Schedule B of the Treaty, according to the statement of Tipu Sultan in 1792, was valued at 607332/1¾ C. pagodas. Deducting the value of the personal jaghir to Kamar-ud-din Khan and his relations, 70,000 C. pagodas, what remained to the Nizam was 537,332/1¾ C. pagodas.

(2) Called "surinjam" in the west of India : ante. p. 167—Note 2.

The truth is apparent from all the contemporary papers, that the income for both the families was intended to be hereditary, and not merely for those in existence at that time. The doctrine so dear to Lord Dalhousie and to the Mangles section of the Court of Directors, that the descendants of Sovereign Princes in the second or third generation should learn "to mingle with the people," and "to gain a honest livelihood," was not then in vogue. *Sans-culotte* principles were not much cultivated in 1799 among the governing classes of England, and, least of all, among Lord Wellesley's compeers.

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LETTER XI.

COMPENSATION.

Madras, *January*, 1863.

Every executive government is bound in the strictest obligations of duty to avoid being entangled in an inconvenient precedent, when an appeal for the redress of grievances above or beyond the reach of municipal law is under consideration. The danger of an embarrassing precedent never ought to be overlooked by the Executive Government in India or in England; for this reason, that having once promulgated a principle and instituted a precedent, a Government of our character and pretensions must scrupulously abide by them. I could excuse and extenuate, though I might not entirely approve, a strong aversion on the part of Government, even where the abstract justice of the claim was admitted, to relinquish annexed territory, for fear of a precedent being established; because I know that certain trite accredited apprehensions of loss of prestige and of injury to the inhabitants, will obstinately intrude themselves into the question, and gloss over by their apparent moral lustre the dark suggestions of our self-esteem and self-interest. The time has perhaps not yet come when the futility of these apprehensions can be clearly demonstrated; and it may be admitted that, from the absence of any definite Imperial plan or process for the reform of native administration, there is still a good deal of truth in these apprehensions and objections which for the present renders their existence excusable.

But when the grievance, for which redress is demanded, involves no question of territorial dominion or sovereign power, but merely one of landed estates or personal property irregularly or erroneously sequestrated, I do not believe that even the

most hackneyed of our Indian politicians would pretend that the reputation or prestige of Government could suffer in the least by an equitable restitution. I am not prepared to hear with patience or forbearance, nor do I expect to hear from any English gentleman, these objections advanced against a just settlement of mere pecuniary claims, against the alleged rights of the existing representatives of certain mediatised royal families, to succeed to the private domains and personal property of their predecessors. It is true that, in cases of this description more especially, the Government is bound to be careful and cautious in coming to a decision, so as neither to waste the public money in a single instance by romantic generosity, nor to establish an extravagant and unnecessary precedent. But when, after a full enquiry and due deliberation, the merits of one of these claims have been clearly ascertained, no considerations of economy must be allowed to interfere with its full satisfiaction, even though its settlement should obviously and certainly entail that of half a dozen analogous cases. Whatever our financial difficulties may be, they are not yet so great as to prevent us from paying our just debts. Moreover it must be remembered that the settlement of these debts does not really constitute any burden on the country; these debts do not represent any expenditure of revenue that has to be incurred; they are simply accounts of money and goods in deposit, which, never having formed part of the income or of the assets of Government, are now repaid or restored to the proper owners.

Convinced, therefore, that,—in default of that complete redress which the political maxims of the day seem to forbid,—a liberal settlement of the pecuniary claims of the deposed families, and a permanent provision for their comfort and dignity, are imperatively required for the re-establishmont of a healthy public feeling, and for the honour of our Sovereign, I have heard with much gratification, that the restoration to the senior Ranee of all the personal property and private estates of the late Rajah of

Tanjore, is proceeding in the most satisfactory manner.[1] The general decision of the question in favour of the Ranee, was one of Lord Canning's last performances,—the approval of Sir Charles Wood and the Cabinet to the most liberal terms having been intimated very plainly by anticipation nearly a year ago.[2] Lord Elgin, to whom several references have been made as to the details of the restitution, has invariably ruled in favour of a generous interpretation. The result will be that the Tanjore family will recover, besides numerous villages and gardens, upwards of thirty lakhs of rupees' worth of property partly in plate and jewels, partly in cash, the proceeds of our sales by auction.

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(1) [Ed.] In spite of the reversal of the decision of the Supreme Court in favour of the Senior Rani, by the Privy Council, the Government of Lord Canning generously decided that the whole property real and personal, with the exception of what were strictly insignia of royalty, should be restored to the family. A few state jewels, two state swords and some articles of regalia were alone retained; and the rest of the property was made over to the Senior Rani as representative of the family, subject to the participative enjoyment of the Junior Ranis and subject also to the ordinary Hindu law of succession, under which, on the death of the last surviving widow, the property should descend to the surviving daughter of the late Rajah, or failing her, to the next heir, if any. The Palace of Tanjore was declared to be the property of the State and therefore to have escheated to the British Government, but was allowed, as a matter of grace, to be occupied by the family subject to the supervisory control of Government which had no objection to the valuable Sarasvati Mahal Library being retained at Tanjore, if the family should so desire it, but ordered that the arms should be sent to the Commissioner at Trichinopoly for safe custody (Proceedings of Government, dated 21st August, 1862). Government was opposed, however, to the formation of the Tanjore Family Fund as proposed by Sir Charles Trevelyan, but sanctioned the remainder of the Rajah's debts and the pensions proposed by the Madras Government. The pensions were divided into 3 classes; (1) those for the immediate members of the Rajah's family; (2) those for the more distant relations, and (3) those for servants and pensioners of whom there were 9,800. (vide Letter of the Government of India, dated 19th February, 1862).

(2) (b) The Secretary of State thus wrote in a despatch, dated 23rd October 1862, to the Governor-General:—"The orders which you have passed for the restoration to the family of the great bulk of the personal property belonging to the Rajah, are generally in agreement with the intentions of Her Majesty's Government. Fully aware of the difficulty of discriminating in such cases between public and private property, and being desirous that the utmost liberality should be extended to the Tanjore family, Her Majesty's Government cheerfully forego their claim to this portion of the personal estate, and consent to the distribution, in the manner proposed by Sir C. Trevelyan, in his minute of the 14th April 1860, of the jewels, cloths and other personal effects of the late Rajah." Government also gave up its rights to the landed properties of the Rajah, which were described in para 51 of the Commissioners' report of the 11th July 1857 and in the resolution of the Madras Government of the 5th December 1859.

It is reported that Sir Charles Wood, in one of his last despatches on Tanjore affairs, expresses extreme regret that any of the property should have been sold by auction[1], observing that *the auction sales of Nagpore property,*—elephants, horses, and cattle, clothes and jewels,—at Nagpore and Calcutta, had been *a great source of distress and mortification to the Bhonsla family*. This, no doubt, is a perfectly true description of the feelings of the Bhonsla family; but I wonder if it has yet occurred to Sir Charles Wood that if it is right, and just, and becoming to restore to the proper heir the private personal wealth of the late Rajah of Tanjore, it must be equally right, and just, and becoming to restore to the proper heir the private personal property of the late Rajah of Nagpore. The two cases are perfectly parallel and analogous; no political difficulties, no punctilios of state, can be alleged to impede a pecuniary settlement in the one case any more than in the other. Poor as India is, she can yet pay her just debts, and account faithfully for all sums that she holds in deposit.

(1) [Ed.] To quote the words of an eye-witness, (Mr. J. B. Norton), Mr. Forbes who was the Resident of Tanjore on the demise of the late Rajah and was the advocate of the claims of the Princesses of Tanjore, had by a cruel irony, to serve as Special Commissioner for the auction of the Rajah's property. Mr. Norton thus wrote:—"A company of sepoys was suddenly marched into the palace; the whole of the property, real and personal, seized; the Company's seals put upon all the jewels and other valuables; the soldiery were disarmed and in the most offensive way; the private estate of the Rajah's mother, of the estimated value of three lakhs a year, was sequestered, and still remains so; the occupier of every piece of land in the district, which had at any time belonged to a former rajah, was turned out of his possession, and bid come before the Commissioner, who constituted himself judge, to establish a title to his satisfaction; the whole of the people, dependent for their existence upon the expenditure of the Raj revenues among them, were suddenly panic-struck at the prospect of being thrown out of employ; and in a week the Company succeeded in converting Tanjore from the most respectful, contented place in our dominions, into a hot-bed of sullen disaffection."

Forbes took advantage of a sepoy regiment passing through Tanjore,—having previously disarmed and disbanded the regiment of the Rajah—" to make his swoop upon all the valuables in the Palace itself." He broke open the Rajah's seal and affixed his own seal to every door. Forbes, the auctioneer, was followed by Philips as salesman, who had "an auction of pots and pans and other articles within the precincts of the Palace itself. He has sent up the valuable private armoury of the late Rajah to Madras for sale. On the ladies refusing to give him up the keys of their apartments, he has taken carpenters and blacksmiths, with pick-locks and false keys, and thus opened the doors"—Norton remarks that "a more indecent indignity has never yet been perpetrated in the annals of Residentship. It is a nice sort of job truly on which to employ one of the Sudder Judges; the highest Appellate Court in the land!" (W. Hickey—*The Tanjore Mahratta Principality* (1874: 2nd edition) *p.* 157.

While all possible credit should be given to Sir Charles Wood, to Lord Canning, and to Lord Elgin, for the earnest desire they have manifested on not a few occasions to efface, where it could be quietly done, the darker stains of Lord Dalhousie's rapacity, there can be no doubt that the Bhonslas of Tanjore are mainly indebted for the recovery of their family property to the able, patient and judicious advocacy of Mr. J. B. Norton.[1] The Secretary of State may have the best general intentions, but there is always a stimulus required to set him in motion. He must have something urgent before him. It is exactly the same with the Governor-General and his Secretaries. Repentance by intuition and uusolicited reparation are not plants that flourish in public offices. But for the prompt institution of the suit of Kamachi Bai *v* the East India Company, in the Supreme Court of Madras, which was decided in the Ranee's favour, and which, although reversed on appeal before the Judicial Committee,—on the ground that the seizure was as "act of state" not cognisable by municipal law,—called forth a stern condemnation of the whole proceeding from Lord Kingsdown,[2] who delivered the judgment of the Privy Council; but for this previous ventilation

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(1) [Ed.] John Bruce Norton (1815–1883) was the son of Sir John David Norton, Puisne Judge of the Madras Supreme Court, was the Sheriff of Madras (1843–45); Clerk of the Crown (1845–62); Government Pleader; Advocate-General (1863–71) and was an ardent advocate and supporter of native interests and education. He wrote, among other books, *The Rebellion in India: How to prevent Another;* (1857) and *Topics for Indian Statesmen* (1858). He was the agent of Rani Kamakshi Bai of Tanjore.

(2) [Ed.] His words have been already quoted in Note 1, on p. 17. Sir Richard Bethel, the Attorney-General, who was counsel for the Rani, declared that "this most extraordinary act (sequestration of the Raj) was done by the Company; I hope, an act for which there are few similar precedents in the history of its proceedings in India. In p. 47, it appears that the Court of Directors issued a decree, conceived, as your Lordships will observe, in a style to which I know no parallel, nor anything similar, saving the celebrated decress of the first Napoleon in which he was in the habit of announcing that a kingdom had ceased to exist or that a royal family had ceased to reign."

Again:—'By what principle, by what species of law, on what ground of reasoning are you to justify the *ergo* of the East India Company; that, because the Rajahship had ceased to exist, *ergo* the East India Company are entitled to come in and take possession; to appropriate to themselves everything that belongs to the Rajahship of Tanjore ..who made the East India Company the *Ultimus Hæres* of the Rajah of Tanjore? Who gave them the right to enter in and take possession, because they pronounced that the dignity, the kingdom, the Sovereignty has come to an end?..."

and public exposure, eliciting the solemn and weighty opinion of the highest judicial authorities in India and in England, I must be allowed to doubt whether Mr. Norton would have been so completely successful in his final negotiations.

The spoliation of private property at Nagpore in 1854 was actually used as an argument and precedent for the similar outrage on the Tanjore family in 1856.[1] In the latter case,

Again:—"If I grant, for a moment, that certain portions of the prerogative are given to the East India Company, the question remains, whether the thing has been done by virtue of that prerogative. Now, have your Lordships found anywhere, or can you point anywhere, to the particular words of any charter, to the language of any Act of Parliament, to anything that can be pleaded, to justify a thing done by the East India Company, of seizing upon this estate of Tanjore?...A Sovereign power has no necessity to give a reason; it is sufficient for the Sovereign power to say *sic vole sic jubio*...If the argument, therefore, should avail the East India Company, the East India Company should have said, we have got here given to us by the Crown authority and power, *per fas aut nefas,* to seize anything within the geographical limits of India...can this thing be proved to be an act of State, done by certain persons who are subjects of the British Crown; unless it can be shown to be an act of State of the British Crown itself?...The pleading that it is an act of State is nothing else but a mockery of the name of the Supreme Power of the State." Finally Sir Richard concluded, "And then they (the statutes) attempt to set up the Company who do it, as not being amenable to any law or power of giving justice to the defeated, the plundered and the robbed."

(1) [Ed.] The fate of Tanjore was in every respect similar to that of Nagpore, "The representation of Resident Mansel at Nagpore was as futile as the advocacy of Forbes of Tanjore. Government took measures to extinguish the Raj of Tanjore; minutes were recorded of the value of the state-jewels, no more to be considered heirlooms in a family about to be stripped of royal rank and fortune; and gems and jewels which had been known from time immemorial, to have adorned the person of royal beauty, were sold by public auction; and these royal personages were converted into pensioners."

The bitter words of Torrens on the spoilation of Nagpur (*Empire in Asia*, pp. 373–4) are also applicable to Tanjore:—"Can any one be at a loss regarding the impression made on the mind of every prince of India by the public sale, in the metropolis of the East, of the personal effects of one, who, throughout his reign, had been our faithful ally? Can any one doubt that the advertisement was execrated in every Bazaar, and cursed in every *Zenanah*, as a threatening notice ostentatiously given, that the pick-lock of despotism would be used without shame as an implement of exaction, and none could tell whose regalia or casket would next be rifled? Our historians are never weary of reprobating the sudden and summary decree of Bayonne in which Napoleon informed the world that in the Peninsula, the house of Bourbon had ceased to reign and in reprobating the duress under which an imbecile sovereign was driven into an act of formal abdication. And many severe things have justly been said of the pictures taken from the Escurial, and of the bronze steeds borne away from the Piazza of San Mark. But, at least, Napoleon cannot be upbraided with stealing or selling the gems and apparel of his victims. It was bad enough to appropriate the sword of Frederick; but Napoleon, unscrupulous though he was, would have been ashamed to make away with the rings and necklaces of the Prussian Queen and then to have put them up to the highest bidder among the brokers of his capital. If vice loses half its hideousness by losing all its grossness, it may likewise be said that public violence becomes more hateful when it is tarnished with the reproach of base cupidity. At the very time when the Queen's Governor-General in

while the Privy Council decided that an act of state could not be reversed by municipal law, Lord Kingsdown, who delivered the judgment, condemned the sequestration as "a most violent and unjustifiable measure," and declared that he could see "no ground of legal right on the part of the East India Company, or of the Crown of Great Britain, to the possession of any part of the property of the Rajah on his death."[1] Though not legally bound by this dictum of the Queen in Council, Lord Canning and the Home Government considered the principle as settled by it, and that they were bound in honour to make restitution, which has been done. It remains for Lord Elgin to make restitution to the Nagpore family.

All the condemnatory dicta put forth by the Judges on the subject of the Tanjore confiscation, are equally applicable to the counterpart proceedings at Nagpore. Sir Charles Wood has already stigmatised the auction sales of jewels and clothes. But the Bhonslas of Nagpore—although, it is said, frequently advised to do so,—never attempted to make the sequestration of their family property a matter for judicial inquiry. Under some scruples of pride or policy, they refused to bring an action against the East India Company, and in fact, never employed a lawyer

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Asia was thus playing the free-booter and auctioneer, our Foreign Secretary was addressing to the Court of St. Petersburg remonstrances against the sequestration of the revenues of certain Polish noblemen upon suspicion of their complicity in seditious designs. Well might the minister of the Czar scornfully retort,—'Physician, heal thyself.!'"

(1) [Ed.] The judgment said that "with respect to the property of the Rajah, whether public or private, it is clear that the Government intended to seize the whole, for the purpose which they had in view required the application of the whole. They declared their intention to make provision for the payment of his debts, for the proper maintenance of his widows, his daughters, his relations and dependents; but they intended to do this according to their own notions of what was just and reasonable, and not according to any rules of law enforced against them by their own courts." The Privy Council Judges were also convinced, from the letter of the Court of Directors, 16th April 1856, that the Company intended to take possession of the dominions and property of the Raja as "absolute lords and owners of it" and to treat any claim upon it "not as a right to be dealt with upon legal principles."

at all, or obtained a legal opinion on their case.[1] Had they done so, they must by this time have arrived at the same goal as their fellow-sufferers of Tanjore. Now is it advisable, is it politic, is it dignified, for the British Government to allow it to be practically demonstrated that no one can hope for success in an appeal of this description without the assistance of skilled advocacy, and that redress cannot be obtained from the moral conviction, the innate justice and honour of the British Government, but only under the pressure of publicity, and in unwilling submission to a solemn judicial censure? The effects of such a belief being established would be most disastrous. It would destroy all the grace and goodwill of the restitution already made, while in all other existing unsettled cases it would lead to an unreasonable and exclusive reliance on legal aid, and would create the impression that no claim need be hopelessly abandoned until all the arts of advocacy and agitation were exhausted. One or two strong claims spontaneously settled by Government would strengthen its moral position greatly; and Lord Elgin might very well begin by accounting for the Bhonsla Fund. Nagpore was made a precedent for the unjust extinction of the Tanjore Raj. Let Tanjore now be made a precedent for the just restitution of the Nagpore property.

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(1) [Ed.] Maharani Banka Bai contrived indeed to send agents to England in the idle hope of obtaining justice there. But she did not await their answer and signed the capitulation drafted by the Commissioner whereby pensions were offered to her helpless relatives and courtiers as the price of her nominal acquiescence. The Ranis had not the heart to give a power of attorney to sue for them in the Supreme Court of Calcutta. "They suppose that the Supreme Court can possess no higher authority than the Company; if it did, the Commissioners could not exercise such arbitrary power as they do. At any rate, they look upon Lord Dalhousie as 'resolved to annihilate the Bhonsla family,' as their powerful enemy, against whom it would be folly to move." (Ludlow—*Thoughts on the Policy of the Crown Towards India*—Letter XI).

They first sent a vakil to Calcutta to request that a stop should be put to the sale of effects held as private property for a century and a half and sent repeated memorials against their treatment by the Commissioner and the manner of the auction.

LETTER XII

RESTITUTION

The science of politics is pre-eminently an experimental science. All attempts to construct a government, or a social polity, on abstract principles, have failed. Plato's Republic,[1] Sir Thomas More's Utopia,[2] the reign of Liberty and Equality in France,[3] and Robert Owen's Harmony Hall,[4] are all examples and monuments of undoubted genius, and irreproachable benevolence leading to contradictions of thought and morals in theory, and in practice to confusion and ruin. The much abused "*expediency*", is the only true rule of guidance, the only true political morality for the practical statesman who has the responsibility of rule thrown upon him, and who has always before his eyes the necessity of immediate and decisive action. The short-sighted policy that grasps at the first material advantage within reach and in its power, without regard to rights

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(1) [Ed.] Plato (427–347 B. C.) set forth, first in his *Republic*, and later in the *Laws* and, to a less extent, in the *Statesman* all the essential ideas concerning the nature, the function and the aim of the state, as well as the classification of the forms of government. He has been called a utopian or a dreamer by those 'who indulge in a merely realistic explanation of social and political problems.'

(2) [Ed.] Sir Thomas More (1478–1535) wrote in 1516 his *Utopia* (in Latin, under the title De Optimo Republical Statu deque nova Insula Utopia) which is a remarkable piece of original and independent thinking and became the model for later Utopian writers like Campanella, Harrington, Cabet, Bellamy and others. Utopia was a fantastic island beyond America, pictured as the imaginary land of the society of the future. The Utopian State represents a kind of democratic Communism of a Socialistic character, unlike Plato's Communistic State which is dominated by the class of Guardians.

(3) [Ed.] Attempted under the French Revolution.

(4) [Ed.] Robert Owen (*d.* 1857) was "for all practical purposes, a Socialist, even a Communist"; and of all Socialists has "the most strikingly original, not to say unique personality." He was, possibly, the first writer to employ the term Socialism, as the title of a book. From 1815 he dabbled in communal experiments; and in 1825 he founded the colony of New Harmony in Indiana; and in the same year another colony was established at Orbistone in Scotland; but these lasted only for a few years. From 1833 he propagated the gospel of the New Moral World which was the title of his chief work and of the newspaper which he published towards the end of 1834.

or thought of ultimate results, is not expediency. Deliberate injustice and defiance of inward convictions, are never expedient. Where there is no right there can be no expediency.

That there *are* absolute principles of politics and of government, that both a science of history and a social science are possible, and will in time be constructed, I am as firmly convinced as Comte or Buckle[1] could desire. We have already a foretaste and a sample of what the future Sociology will be, in Political Economy, which has surely and rapidly risen to the dignity of exact science. But Political Economy, one branch of an immense subject, is the growth of a single century,[2] and a few only of its leading truths are universally accepted, even in England, as incontrovertible and axiomatic; while political and historical science is at present little more than a brilliant vision perceptible only to the eye of faith. "Ars lònga, vita brevis." Science progresses slowly, but this work-a-day world cannot stand still.

Besides this, the doctrine of the division of labour is as applicable to politics and morals âs to industrial affairs. We very seldom find the same man gifted both with speculative and with

(1) [Ed.] Auguste Comte's *Positive Philosophy* is thus explained by J. S. Mill: "We have no knowledge of anything but phænomena and our knowledge of phænomena is relative, not absolute. We know not the essence nor the real mode of production of any fact, but only its relations to other facts, in the way of succession or of similitude. These relations are constant: that is, always the same in the same circumstances. The constant resemblances which link phænomena together, and the constant sequences which unite them as antecedent and consequent, are termed their laws. The laws of phænomena are all we know respecting them. Their essential nature and their ultimate causes, either efficient or final, are unknown and inscrutable to us." Comte's entire scheme of sociology is based on a sense of the unity of the human evolution and on a sense of continuity through the ages. (Mill's *Auguste Comte and Positivism*; and F. Harrison's *The New Calendar of Great Men*).

H. T. Buckle (1821-62) was an English disciple of Comte and projected, in his *History of Civilisation*, a deliberate effort to formulate, on the basis of statistics, a positive science of human association. "It was a pretentious effort which, because of its originality of conception, because of its parade of learning, and because of its aggressive challenge to current religious and philosophical opinion, made a considerable sensation at the time of its appearance, giving rise to long and heated controversy" which raged round the problem of determinism and free will.

(2) [Ed.] The first great name in the history of English Political Economy is that of Adam Smith (1723-90), though much of the argument presented in his *Wealth of Nations* (1775) might be traced faintly in the pages of previous writers like Sir Dudley North, author of *Discourse upon Trade* (1691).

practical ability. And therefore, however much we may admire and venerate the noble performances of Bentham,[1] Mill and Buckle, in the field of legal, social and historical science, we may at the same time very reasonably prefer to leave the government of the country in the hands of such men as Pitt, Peel, and Palmerston. The philosopher may cast his prophetic glance into futurity, and the influence of his writings may be felt and acknowledged after the lapse of generations or of centuries, but the statesman is well occupied in providing for the wants, the difficulties, and the dangers of the present time. To him "sufficient for the day is the evil thereof." Even when the work of the philosopher has produced its full effect, when the press has spread and multiplied his conclusions, when the pressure from without is irresistible, and the time is ripe for change,—the statesman, even when preparing great measures of reform, must workfrom the actual to the possible, and will not shake the old fabric or weaken its pillars and foundations. His first question will always be that of the Duke of Wellington,—the practical man of his time, though anything but a philosophic statesman,—"How is the Queen's government to be carried on?" If that question can be satisfactorily answered, he will move on boldly; otherwise he will pause or oppose. Stability is the great object of government, and every wise politician in power is a conservative.

Stability is the great object; and the principal element of political stability is public confidence. In India, more particularly

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(1) [Ed.] Jeremy Bentham (1748-1832) wrote his *Fragment on Government* in 1776 which was a vehement and destructive criticism of Blackstone's *commentaries* and 'caused a tremendous repercussion among English intellectuals.' His *Introduction to the Principles of Morals and Legislation* (1789) was the culmination of his scientific achievement. He was busy constructing codes of laws and with vast schemes of social reform. He laid the foundation for English Utilitarianism on the basis of his great law based upon the greatest happiness of the greatest number and on the relative force of human motives. He greatly influenced Ricardo, Grote, John Austin and J. S. Mill.

Mill's writings constitute the constructive outcome of the Benthamite gospel; and much of the best of modern social legislation can be traced back directly to this influence; but he hovered long in the stage between the two opposing interpretations of the Benthamite creed, *viz.*, the solvent of existing dogmas and the constructive principle of Utilitarianism.

during the last twenty years, flushed with a rapid career of victory, and relying on our material resources, we have pursued a destructive policy, and, while careful of our solvency and military strength, we have despised all means for preserving public confidence in our good faith, and for supporting social subordination.[1] We have grieviously vexed the conservative interests of India, and thereby have probably done more for a time to check its progressive tendencies, than we have done in any other direction to advance them.

For among the few discoveries of historical science that may, from the uniformity of phenomena in every clime and age, be considered as established facts, as primary data, from which the perfect science is to be constructed, is this one,—that every community in its progress from barbarism to an advanced civilisation, must pass through an era of great nobles and great landlords, before it arrives at the far more stirring and productive stage of a great middle class. The progress of a nation depends, not upon the King or Government, except in the very earliest stage, so much as upon the entire class that is removed from the toil, and the anxiety of supplying its material wants of food, fire and clothing, and has leisure for intellectual pursuits. This class, at first limited to the great land-lords, becomes gradually extended, until in our own age and country, in consequence of the immensely increased application of machinery,—viewed at first with so much ignorant dread and jealousy by the class which has most benefited from it,–our artisans and skilled labourers are becoming every day possessed of more and more leisure, and are devoting more and more of that leisure to intellectual pursuits; and a state of things

(1) [Ed.] "It has been said, with reference to the administration of the British provinces in India, that the longer we are there, the less we like the people and the less they like us. History and the personal recollections of those best qualified to speak, will testify to the accuracy of this generalisation......In India we are not strong in social influence, and both our bad public policy and our better private morals during the last thirty years, have weakened such as there was, both upwards and downwards." (*Last Counsels of an Unknown Counsellor, John Dickinson.*—(1877)–pp. 345).

now exists predictive of incalculable social changes, which in free Great Britain we may anticipate and welcome with very few misgivings, The balanced forces of our constitution will secure us from revolutionary shocks and from stolid obstruction; and good-will and hearty co-operation between the higher and lower classes are visibly increasing every day.

But what have we done, and what are we doing in India? In almost every province we have done our best, or worst, to sweep away every link between the Government and the tiller of the soil. Over the greater part of the Madras Presidency the Princes, the nobles, the Polygars, and the *Zemindars*, have sunk and expired under the exactions and confiscations of our system, and we have handed the ryot over to the tender mercies of the Curnum and the Tahsildar.[1] The genial relations of landlord and tenant have been dissolved, the ancient social hierarchy has been

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(1) [Ed.] Mr. Saalfelt exposed the character of the Police administration in the Madras Presidency in his letter, printed as Appendix. § 8. No. 6. of the *Torture Report*. He wrote :—"The police has become the bane and pest of society, the terror of the community and the origin of half the misery and discontent that exist among the subjects of government. Corruption and bribery reign paramount throughout the whole establishment; violent torture and cruelty are their chief instruments for detecting crime, implicating innocence or extorting money...... Even the party robbed does not escape the clutching grasp of the heartless peon and duffadar...."

"Lord Harris expressed surprise, shame and indignation at the disclosures of the Torture Report. He was not prepared to go the whole length of depriving the civilians of magisterial authority; but he was prepared at once to separate the revenue and police functions." But nothing was done for the time being. Mr. J. B. Norton bewailed in 1858 the destruction of the Poligars in the south and the diminution of the Zamindars in the Northern Sarkars. This was how he wrote of the gradual disappearance of the landed aristocracy :—"Sometimes we succeed a childless widow sometimes we sell up a thriftless noble who has fallen into arrears; sometimes we take his estates into nursing, and our management is so splendid, that after a season they have to be brought to the hammer, and the Company purchases them in at the nominal upset price." He adds that the connections of these Zamindars are widely ramified among the people, and many of their poorer relatives and dependents are to be found in the army; and "the tidings which they hear at a distance, of the fall of the family house, whether it be through the slow grinding of the Revenue process in Madras, or the swifter crushing of the Civil Courts in the North-West, are not likely to allay any disaffection already existing from other causes." "But," he added, "we do not stop even with the Zamindars."

M. Martin wrote (in his *History of the Mutiny of the Sepoy Troops in 1857: Introductory Chapter*, pp. 89–90) that "the constant preponderance of expenditure over income, and an ever present sense of precariousness, have been, probably, the chief reasons why the energies of the Anglo-Indian Government have been many years, most mischievously directed to degrading kings, chiefs, nobles, gentry, priests and landowners of various degrees, to one dead level of poverty—little above pauperism. He added: "We have rolled by sheer brute force, an iron grinder over the face of Hindoo society—crushed every lineament to a disfigured mass—squeezed

destroyed, and the leisured class has disappeared. For our Government, a government of foreigners, this result has been especially detrimental. It is only through a recognised and wealthy higher class that we can reasonably expect to establish close relations, a vital communication with the masses of the people, and a dominant influence over their opinions, manners, and customs.[1]

As a consequence of our annexations, confiscations, and resumptions, we have lost the confidence of the residuary Princes and landlords, who have naturally been visited with an incessantly recurring dread that they were only spared for some more convenient opportunity. Even now, notwithstanding the Queen's Proclamation and other reassuring incidents of the last two years, but little confidence in the security of their rank, privileges and possessions, can be felt by the few remaining Princes, and chieftains of the Carnatic, when they have seen the greatest among them, their feudal superior and Sovereign Lord, declared to have been a mere dependent on the will and pleasure of the Honourable Company, and when they still see the rights which have descended to him by inheritance, and which were guaranteed to him by treaty, refused to the heir and representative of the Wallajah family, of the reigning Nawabs of the Carnatic. This prevalent want of confidence is the greatest impediment to the peaceable

from it every rupee that even torture could extract and lavished the money thus obtained, on a small white oligarchy and an immense body of mercenary troops....A branch of the annexation question in which the violation of the rights of succession was also a prominent feature, yet remains to be noticed, namely the Resumption of Rent Free Lands, whereby serious disaffection had been produced in the minds of a large class of dispossessed proprietors."

(1) [Ed.] Sir Thomas Munro wrote thus of the Indians under British rule:—"The natives of the British provinces may, without fear, pursue their different occupations, as traders, merassidars or husbandmen, and enjoy the fruits of their labour in tranquillity; but none of them can aspire to anything beyond this mere animal state of thriving in peace. None of them can look forward to any share in the legislation, or civil or military government of their country. It is from men who either hold, or who are eligible to public office, that natives take their character; where no such men exist, there can be no energy in any other class of the community. The effect of this state of things is observable in all the British provinces, whose inhabitants are certainly the most abject race in India..."

stability of our rule, and to progressive improvement; and I have no doubt that the general tone and temper thereby given to popular opinion and popular conversation, and the consequent expectation of unanimous revolt, were the great causes of the rebellion of 1857.[1] The conservative interests which we had neglected and injured, but which were still of considerable weight and importance,—and especially the native Princes and chieftains,—saved us from the general insurrection that was imminent.

And now, while all the better classes of natives, all native interests and intellectual energies, except those of trade and agriculture, are in a state either of perfect stagnation or of sullen and expectant hostility, every British adviser calls upon the Government to initiate and to carry out reforms, to apply remedies to every failure and every deficiency. and to stimulate all the latent capacities of India. The Government is to be an official Providence, supplying education, irrigation, scientific agriculture, telegraphs, railways, and an example of virtue; and any want of public spirit and national life is to be amply outbalanced by the vigour of annual reports, and the liveliness of tabular statements.[2]

This undue reliance upon the Government is fatal. A Government can do a great deal; but it can do little that is not

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(1) [Ed.] An extract from a private letter of a gentleman of tried abilities and long experience in the Northern provinces, published in the Madras *Athenæum* and quoted in Norton's *Rebellion in India* says: "The real origin and cause of that disaffection has been political misgovernment and the unscrupulous annexation policy, which has characterised Lord Dalhousie's administration and which has been approved and rewarded with a pension at home ..and it will ere long be seen how far extension of territory has been productive of increase of revenue, or the preservation of the peace and good order of the country."

Mr. Martin (quoted above) says that "thus annexation and resumption, confiscation and absorption, had gone hand-in-hand, with a rapidity which would have been dangerous, even had the end in view and the means of attainment been both unexceptionable."

(2) [Ed.] J. M. Ludlow declares (in his *British India, Its Races etc.* p. 279) that the good deeds which form the stock grounds of eulogy upon the Indian Government, could be distinctly traced, every one of them, to individual agency, sometimes of persons out of the service; and that most of them had been thwarted by Government at their inception, and only patronised when successful. He would apply the following test to the Indian Government of 1858:—"A good government is not necessarily that which strikes with the greatest display of energy at some signal wrong; but that which most efficiently keeps down all every day wrong, promotes all every day right. This must be ultimately the test of the Company's rule."

superficial, and hollow and delusive, unless its measures are planned and based upon the understanding and consent of the reflecting and influential classes of the people, built and cemented upon their existing circumstances, and upon their actual civilisation and ancient customs.

Rights and privileges, creeds and customs, and even material inprovements, that have been introduced and maintained, directly or indirectly, by a foreign government,—until they have been worked for and won, realised and appropriated by the people,—are exotic, and have no root in the soil. The first storm will sweep them all away. Our Government is not an organism, but a mechanism; our institutions have no vitality, and no reproducttive power. If the English were to leave India, what would become of the telegraph, the railways, the river steamers, the freedom of speech and of the press, the right of public consultation and combined petition, the personal liberty and open courts of justice, that we have brought into the country? English law and English science have been very imperfectly appreciated, even by the most enlightened natives, they have not been effectually naturalised in our own provinces, and in the allied and dependent States they are unheard of, or heard of with dread and distrust by Princes and people.

Without the confidence and co-operation of the highest and most influential classes, our mission in India will be barren of any permanent good, of any enduring glory to the British nation. Without that confidence there can be no political stability; without it our reforms and our supremacy will be alike superficial and precarious.[1] To gain that confidence we must cast off our pride, our prejudices, and our selfish interests; we must take

(1) [Ed] "Annex we might, govern we could not; for, in the words of Prince Metternich, we had not the material. That is, we had not the material on which alone we choose to rely. Native agency we cannot indeed dispense with; we could not hold India, or even Calcutta, a week without it; but we keep it down on the lowest steps of the ladder so effectually, that men of birth, talent or susceptibility, will serve us only when constrained by absolute poverty. They shun the hopeless dead level which the service of their country is now made to offer them....By the present system we proscribe the higher classes and miserably underpay the lower. The result is unsatisfactory to all parties, even to Government" (M. Martin—p. 95).

India and its people for better, for worse; we must place confidence in and entrust power to those whose good will and assistance we require; and we must grant a large measure of restitution.

It would be unjust and unfair to Lord Canning to deny or to keep out of sight the fact that he has evidently perceived many of these truths, and that he has been working steadily in the right direction by re-establishing the landlord rights of the Talookdars of Oude, by conferring upon them and upon the Sirdars of the Punjaub extensive magisterial powers, and by his promised recongnition of future adoptions in Hindoo princely houses.[1] His recent step of requesting the British Indian Association of Calcutta to nominate two of their members to consult with the Secretary to Government on the proposed modification of the Income-Tax,[2] is an example of the same wise policy. And the three Acts creating the High Courts, and the Legislative

(1) [Ed.] See his Adoption Despatch No. 43 a, April 30th, 1860; his Despatch dated June 7th, 1858; Parliamentary Papers, Oude Proclamation, 1859, pp. 5-6; and his last private letter to Sir Mark Cubbon, dated November 24th, 1860, wherein he says:—"We present the extraordinary spectacle of a Government which has no root in the soil, governing a country mainly agricultural, and one in which the value of landed possessions, and the respect for hereditary tenures are as strongly felt as in any country in the world, by ignoring the landlord. We have kept a smooth surface upon this unsound state of things, longer than could have been expected; and fortunately, when the break-up came, three years ago, we had no enemies in the field, but such as did not know how to profit by our disadvantage, and we were able to dispose of them before they learnt the way."

(2) [Ed.] The Income-Tax Bill was moved by Mr. James Wilson in the Indian Legislature, in 1860, imposing 2 and 4 per cent rates. It met with a hostile reception at the hands of the public; and petitions poured in urging its withdrawal, from the British Indian Association, Calcutta, from the landholders of Dacca, from the clerks in the Calcutta Government offices, the landholders and ryots of Eastern Bengal and the proprietors of the permanently settled estates in Bengal. A meeting of the inhabitants of Madras, presided over by Mr. H. Nelson, the Sheriff, recorded a protest against the bill. It was only supported by a few persons like the Maharaja of Burdwan. Considerable improvements were made in the bill in the Select Committee stage. Minor modifications were introduced by Act XXXIX of 1860 and during the presentation of the budget for 1862-63. Later, Sir Charles Trevelyan, the Finance Member, expressed his opposition to the renewal of the Income-tax Act.

Couucils, and opening the Civil Service,[1] will afford, if judiciously applied, and cautiously extended, ample powers and full scope for inaugurating a more liberal and equitable era, and for instilling some national life into our administration. The present day is not destitute of performance or of promise; and I am far from advocating a rash and rapid advance, or sweeping and ostentatious changes.

But some matters do not admit of delay. When a great wrong is made manifest, justice cannot be too speedy. We cannot restore that faith in our adherence to treaties which was so fearfully impaired by Lord Dalhousie's proceedings, we cannot instil that full confidence in our political justice and moderation which we have never acquired or deserved,[2] and which is the foundation of political stability, without a large and generous measure of restitution.

For unless might absolves from all obligations, and weakness annuls every right, Prince Azeem Jah, for one instance, has a clear right to the dignity and revenues of Nawab of the Carnatic, and, for another instance, Rajah Janojee Bhonsla as clear a right to the sovereignty of Nagpore as any reigning Prince in Europe or Asia has to his crown and possessions. Neither they nor their immediate predecessors, by any sin of omission or commission, forfeited that royal inheritance, which was not granted or

(1) [Ed.] The Indian High Courts Act of 1861, The Indian Councils Act of 1861 and The Indian Civil Service Act of 1861. The first enabled the appointment of Indian lawyers to the High Court Bench; the second enabled the nomination of non-official members to the Indian and Provincial Legislative Councils; and the third scheduled a number of appointments which, in the future, were to be reserved to the members of the Covenanted Civil Service.

(2) [Ed.] Lord Canning did indeed recant every one of the arguments by which the annexation policy had been recommended; he confessed that the principal process employed for the extinction of Native States was 'fictitious and oppressive' and 'that every plea brought forward in justification of that policy was a false plea.' He admitted that their absorption had "not added to the resources of the public treasury" and had "not combined, but scattered our military strength". He admitted that the Indian States were 'not incorrigible' and that their reformation was 'not a hopeless task as some pretend'; and that the Princes might 'be encouraged to become useful instruments of civil government, and to take a pride in it;' and that "they have individually an influence which is invaluable to us as Supreme Rulers in India, if we will but turn it to account."

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given by us, but which, in consideration of important acquisitions and advantages, we guranteed by treaty, and promised to protect and uphold. Their rights are as strong now as they were when their immediate predecessors died; the lapse of a few years has no tendency to alter their hereditary and inherent position, or to weaken their continuous claim. An act of state, however arbitrary and iniquitous, can be reversed by no process of municipal law; but on the other hand, the recovery of political rights, withheld by an act of state, is barred by no statute of limitations.

In the case of Prince Azeem Jah it was expressly declared by Lord Dalhousie that the title of Nawab was "placed in abeyance."[1] Indeed the lapse of a few years, though it could not add to the actual strength of their rights, has manifested and displayed their strength in a very remarkable manner. The official papers have been published in obedience to Parliamentary calls, and each case has been so thoroughly ventilated by the

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(1) [Ed.] We quote, even at the risk of repetition, Lord Dalhousie's assertion that the conduct of Wallajah and Omdat-ul-Omra "had rendered their territories justly liable to forfeiture and had therefore abrogated the treaties which had been previously in force." It should be added that Art. II of the Treaty of 1801 "confirms and renews such parts of the treaties heretofore concluded...as are calculated to strengthen the alliance...of the contracting parties." The preamble of this treaty and the proclamation of Government of 31st July, 1801, expressly state that the Nawab had succeeded to the hereditary rights of his father. The accession of Ghulam Mahomed Ghous Khan in 1825 was said by Government to have been "to the throne of his ancestors"; and also Prince Azim Jah was declared by the Court of Directors in 1829 to be "the next heir in case of his demise". Lord Tweeddale recognised in 1843 his right of succession to the musnud. All these express statements were brushed aside by Lord Dalhousie, as conveying "no pledge or promise of succession to him"; and "although they indicated a favourable intention on the part of the Government towards him, the Government has since had but too much reason to forego all such intentions in favour of himself, and the members of his family." It may be pointed out here that the incidental admissions by the British authorities of Azim Jah's right to the succession did not and could not constitute the real basis of his claim; and that the conduct of Azim Jah and of the Nawab, his nephew, had been "positively faultless"; and the dissipation of the Nawab which, however, never led to any public scandal, nor embarrassed the Government, could not comprehend Azim Jah whose private character had always been "irreproachable."

Before Lord Dalhousie, there was never, at any time, expressed any doubt as to the hereditary nature of the Nawab's dignity, nor as to the real binding force of the treaty of 1801 which was respected at the two successions that had taken place. Learned opinion of eminent jurists like Sir Travers Twiss, Q. C., and Justice Lush stressed on the enduring nature of the treaty of 1801 which was binding on both sides, so long as there existed any member of the family of Nawab Azim-ud-Daula, capable of succeeding to the rank of Nawab.

press, that neither the Calcutta administration nor the Home Government could venture, or indeed would condescend, to repeat in despatches intended for publication, or openly before Parliament, the misstatements, misrepresentations, misunderstandings, presumptions, suppressions, and equivocations, which were employed to destroy our friends, but which have now been submitted to an effectual process of public refutation and exposure. They served their turn at the time, but they have now been transferred to the opposite scale, and aggravate the burden which the Honourable Company has bequeathed to the Queen of Great Britain and Ireland. That burden cannot be removed; public confidence cannot be established; the Queen's name cannot become the tower of strength that it ought to be in India, without a large measure of restitution.

It is not uncommon to hear an opinion expressed that it is imprudent and dangerous to push a policy of conciliation and concession too far; that such a course, particularly in the form of territorial restorations, conveys an impression of weakness, and implies that we have more provinces than we can conveniently manage and defend, and that we fear the secret hostility of the despoiled Princes.[1]

Let us understand clearly what this danger of conciliation means. Is it supposed that on account of our conciliatory measures, certain disaffected persons will think us weak when we really are strong, and will thereupon seek an opportunity of revolt? If so, I think the supposition a very absurd one, and

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(1) [Ed.] Sir Charles Jackson wrote that Lord Dalhousie recommended the abolition of the Nawabship of the Carnatic, because 'a Court at the Presidency, though destitute of authority and power, must be inimical, or, at all events, discontented, and capable of being made a nucleus for intrigue"; and Sir Charles added; "The conduct of the Titular Sovereign of Delhi in 1857 and the gathering of the disaffected around the shadow of the Great Mogul, have sufficiently illustrated the wisdom of these remarks". (*Vindication*; p. 165). Not only did Azim Jah not prove inimical and dangerous, but he used all his influence to suppress the fanatical spirit among the Mussalman population of the Carnatic; and the Court of Directors in their despatch of Sep. 1, 1858, mentioned, as one reason for increasing the stipend of Azim Jah, "the influence of his name and position over the numerous Mahomedan population of Madras, and the excellent conduct of that population during our recent difficulties."

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the supposed danger, if it were probable, very trifling. The *disadvantage* of any hostile Prince or faction thinking us weak, when we really are strong; and the *advantage* of such persons, or of the people at large, thinking us strong when we really are weak, are equally likely and equally nugatory, or may very well be balanced the one against the other. The Government need not fear such fancies as a popular belief in its weakness founded on its justice, and ought not to rely on such an impossible fact as its superior physical strength. India could never be held by us as a coherent Empire, as a profitable and a useful possession, against its population united in revolt or in passive resistance. But our strength will always be overwhelming against external enemies and local insurrection so long as we preserve a certain moral superiority, and retain the general confidence of the conservative classes.

I do not in the least deny or doubt that there are times when concessions would have the appearance of weakness, and of submission to a rebellious or threatening faction, and would therefore be most undiginified and impolitic, possibly dangerous. This is exactly what I wish the Government to avoid in the future; this is exactly what Prince Azeem Jah and the leading native inhabitants of Madras, have assisted the Government to avoid, by their prudence and patience in not agitating the question of the Carnatic musnud during the rebellion in Hindostan.[1] But this is not a period of political crisis or difficulty; and no act of grace or restitution could in these days suggest the idea of weakness or of apprehension.

(1) [Ed.] Bell remarks in another place:—"The deposition of the Wallajah family, viewed simply as a question of political expediency, was a most short-sighted and unstatesmanlike proceeding. Not only did it bring great dishonour upon our Government, but it deprived us of a substantial security. It has shaken the allegiance and estranged the feeling of a large section of the people....Residing at one of the great centres of our power, with so much to lose and so little to expect from any disturbance or change, he (Azim Jah) could not be otherwise than conservative in politics and moderate in religion" (*Retrospects and Prospects of Indian Policy*—*pp*. 281-2).

There is another point to be taken into consideration. There are several Dalhousie annexations and resumptions, not less iniquitous in plea and procedure than the two I have mentioned, but in which restitution cannot now be expected, and would not be practicable, politic or just. The policy of annexation has failed and is condemned; but it does not therefore follow that we who openly condemn it, or the Government which has abandoned it for ever, are necessarily bound to adopt an indiscriminate policy of restitution. We cannot shut our eyes to accomplished facts, or lightly shake off our obligations to the people who have, by whatever means, become subject to the British Government. Several of the provinces annexed since 1848 could not now be prudently or justly restored to the representatives of their former rulers. How could we expect good government or a friendly policy from any member of the Oude family after seven years of hatred, idleness and conspiracy? The widows and adopted son of Sattara, as was but natural after brooding for nine years over their wrongs, were deeply implicated in plots during the most dangerous crisis of the rebellion.[1] We have paid fully for Jhansi in blood and treasure: the Ranee nullified all the rights of her family in the horrors of 1857. And, in addition to all other reasons of policy and of duty to the inhabitants of Oude, we have now acquired that kingdom by the most legitimate and intelligible of all public transactions, by conquest, capitulation, and submission.[2] The chief members of the ex-royal family do not seem to have been

(1) [Ed.]. There were 16 executions for treasonous conspiracy at Satara in 1857–58, besides numerous sentences of transportation and imprisonment. Lord Elphinstone, the Governor of Bombay, was compelled to station European troops at Satara from June 1857. A prisoner who was hanged at Satara, addressed the crowd that came to witness his execution thus:—"Listen all! As the English people hurled the Raja from his throne, in like manner do you drive them out of the country. This is murder. This example is made to frighten you, but be not alarmed! Sons of Brahmins, Mahrattas and Musselmen, revolt! Sons of Cristians, look to yourselves!" (quoted by J. B. Norton in his book *The Rebellion*; pp. 96–97; taken from *The Bombay Telegraph* of June, 1857).

(2) [Ed.] M. Gubbins (in his book—*The Mutinies in Oudh* (1858)—p 436) says that Oudh was really conquered a second time during the Mutiny upon the securer basis of physical power, than even the dependence upon a native army.

implicated in the rebellion, and are still deserving of the most liberal treatment; but after trying conclusions with the entire aggressive population, we alone are entitled and warranted to possess and govern the country.

But the impossibility of restitution in these instances only renders more certain and conspicuous the necessity of restitution in the two cases I have mentioned, which so far from being weakened by any suspicion of hostility against the deprived Princes, are sustained and strengthened by our aknowledged obligations to them for their active assistance and pacific influence at Nagpore and at Madras.

The State of Nagpore was on the whole well governed, was always submissive and well affected to British supremacy, and during twenty-five years of purely native administration,[1] our interference was never once required, to check oppression, to keep the peace, or to restore order. The country was annexed, and the Bhonsla family declared by Lord Dalhousie to be extinct, when the heir apparent was not only a regularly adopted son, but was also the late Rajah's grand-nephew, and a lineal descendant of the Rajah with whom we made the first treaty of peace and amity after the Assaye campaign. And during the perilous emergency of 1857, far from countenancing or joining in any plot or hostile intrigue, the whole family under the guidance of the celebrated Banka Baee,[2] threw all their weight

(1) [Ed.] When Raghuji III was recognised as the ruler, a Regency was established under Banka Bai; but the Resident, Sir Richard Jenkins, superintended and administered every department of the state, through officers appointed by himself. In 1830, four years after Jenkins's departure, the Rajah assumed the actual administration. "Nothing occurred to disturb the peace at large during the next seventeen years; the country was quiet and prosperous; and the security afforded by a firm and just rule, was a great stimulus to banking and trade." In 1848, an imposter, pretending to be Appa Sahib, raised an insurrection in Berar; but the disturbance did not spread to Nagpur. Raghuji's even rule continued till his death in 1853.

(2) R. V. Russell wrote that the aged Banka Bai "exerted all her influence on the side of the British and did her utmost by her example to keep the Maratha districts loyal." There arose a serious crisis in Nagpur in May 1857. Besides those killed in open rebellion or by military authority, there were nine executions in that year for high treason, and seventeen officers and soldiers of the local force, formerly the Rajah's army, were hanged for mutiny. The English Sergeant-Major of one Native Corps, was killed by the mutineers. Two petty chieftains openly rebelled; and

and influence on the side of loyalty and order. Several near relatives of the Ranees, and persons of high consideration at the late Rajah's court, who had declined to take employment under our Government immediately after the annexation, now came forward at the Ranees' desire and volunteered to serve in the Irregular Cavalry, and in other temporary situations, in order to set a good example, to manifest clearly the intentions of the Rajah's family and to restore general confidence in the strength and stability of our Government. The propitious influence and active co-operation of the Nagpore family,—moved no doubt by no romantic love for us, but by their traditional policy and the sound calculations and foresight of a very clever and experienced old lady, the Banka Baee,—were most beneficial in their effect, and diminished the dangers and difficulties of the rebellion by one-half. The link was never forged, for which one well known Mahratta leader alone was wanting, to connect the Deccan and the Carnatic with Hindoostan, the Madras and Bombay armies with that of Bengal, in one electric chain of mad revolt.

The tranquillity during the mutinies in Hindustan of the City of Madras...supposed to contain nearly 100,000 Mahomedans,[1] and any excitement in which would have immediately spread among their brethren in the districts of Arcot, Cuddapah and Kurnool,...may be entirely attributed to the influence of Prince Azeem Jah and his intimate councillors. In spite of the recent notification he had received in February 1857, that the Court of Directors had rejected his appeal, all the Prince's

one of them was hanged. The successful issue of events at Nagpur was of great importance, as "its defection would have served as a beacon of revolt to the Southern Maratha Country and to the turbulent subjects in the north of the Nizam's Dominions."

(1) [Ed.] Mr. J. B. Norton wrote in 1858 thus:—"I fancy the Government would at the present moment give a good deal to have acknowledged the Nawab of the Carnatic; at least the only danger which has been apprehended in Madras has been from the disaffected Mussulman inhabitants of Triplicane, angry at the degradation of their prince, and poverty-struck by the withdrawal of his resources." He added that the arrangements for the deprivation of Azim Jah were mismanaged, remarking that a commission had been appointed to inquire into the late Nawab's debts, but no act had yet been passed investing them with the necessary powers and "the greatest discontent prevails, and the gravest injustice is being done."

efforts were directed, quietly but effectually, to suppress the fanatical spirit and the smouldering spark of revolt, which a few words of provocation would have blown into a blaze.

The Secretary of State can make no candid, consistent, conscientious reply to the claims preferred from Madras and Nagpore. Obstinate silence, or inexplicit refusal would not annihilate right, or dispel hope, but would fix indelibly upon the Queen's Government that reproach which, if the opportunity is not lost, may yet be attributed by history and by popular tradition, with truth and with justice, exclusively to the Honourable Company and Lord Dalhousie.

I confess to a simple, old fashioned notion, that it cannot be wrong to do right. I believe that any concession may safely be made if it be royally done. It would be rather injurious than beneficial to the Queen's glory and authority, if a Prince of her House[1] were to make a tour through India, receiving homage and distributing a few compliments and decorations, staring and being stared at, and *doing* nothing. If a Prince of Great Britain were indeed to visit India, he should be entrusted with a specific and weighty mission, that of completing and confirming the majestic pacification of this great continent which has been so wisely and worthily commenced by Lord Canning, of openly claiming and assuming in person the Imperial supremacy over all the Sovereigns of India, and of effacing, in every practicable instance, the traces of a rapacious policy by gracious and royal acts of restitution and restoration. And then throughout the States and Provinces of India, Royalty will become a reality and a faith; political stability will be secured, and national progress will be instituted.

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1. [Ed.] A suggestion already made above in Letter IV. (p. 142).

LETTER XIII.

PLANTERS AND LANDLORDS.

Madras, *June 18th*, 1801.

There has been a marked tendency in the more important measures of Lord Canning's administration during the last two years, to revive, extend, propagate, and perpetuate the class of landlords, which under our rule in general has hitherto been depressed and diminished, and to restore and strengthen their social influence and their weight in the country. The orders conferring magisterial powers on so many of the Sirdars of the Punjab,[1] the Oude Talookdars,[2] and the Zemindars of

(1) [Ed.] In the Punjab, after the Mutiny, sympathy veered round in favour of superior owners of land generally; and there was "considerable reaction against the readiness to grant occupancy rights, a reaction of which the celebrated Settlement Commissioner, Prinsep, was the spokesman." The Mutiny produced some reaction in the Punjab official opinion in favour of the rights of superior landlords; but it was then "too late to disturb, to any substantial extent, the settlements of titles that had been made." (H. K. Trevaskis: *The Land of the Five Rivers*—p. 239).

In 1860 the great landholders and feudal lords were entrusted with civil jurisdiction to the value of three hundred rupees; "a duty which they discharged with praiseworthy zeal and fairness." They were also empowered in criminal cases to inflict imprisonment up to six months or under and fines up to two hundred rupees.

(2) [Ed.] The Oudh Talukdars submitted to an inquiry which was "perhaps too brief and not always satisfactory;" and the only terms exacted were "submission proved by giving up of arms and forts, and admitting the right of Government to make complete provision for all subordinate rights in the taluks. Government's intention to maintain all rights not forfeited for unpardonable misconduct, as they were before, was never doubtful and was clearly explained in a letter of the Government of India (12th Sep. 1860). Lord Canning's proclamation placed the whole of Oudh under the old Talukdari system, but making it a condition of the sanad of each Talukdar that "all holding under them should be secured in the possession of all the subordinate rights they formerly enjoyed." According to Sir Algernon West (p. 61 of his *Sir Charles Wood's Administration of Indian Affairs 1859-66*), Lord Canning's policy of maintaining the Talukdars in an influential position, possessed of administrative and judicial powers, was fully approved by the authorities at home, though it was not entirely concurred in by the officials in Oudh, including the Chief Commissioner, Mr. Wingfield.

The leading landowners in Oudh were entrusted with jurisdiction in civil disputes up to the value of a hundred and fifty rupees. They were, like the Punjab landowners, empowered in criminal cases with powers of inflicting imprisonment up to six months and fines up to two hundred rupeees.

Bengal,[1] and the revised legislation for settling the Bombay Inam estates,[2] are the most conspicuous manifestations of the new policy. To that policy I give my cordial adhesion, convinced as I am, both by history and theory, that the seeds of prosperity and enlightenment can neither spring up spontaneously among the labouring masses of a nation, nor be sown broadcast among them by the action of any Government, however beneficent, but are naturally and certainly produced as the ripened fruit of a wealthy upper class, which unconsciously dispenses its acquisitions among its dependents and inferiors, until with slow but certain development many of those dependents and inferiors become equals and rivals, and the centres of wealth and knowledge are multiplied progressively.

The recent ordinances for the sale of waste lands in freehold,[3] and for the limited redemption of the land-tax, were

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(1) [Ed.] Honorary Magistrates were appointed in 1857 in Bengal from landholders and resident non-official Europeans. Indigo-planters were authorised, during the Mutiny, to raise small bodies of police. In 1859 Sir F. Halliday abolished the Honorary Magistrates. But at the suggestion of the Government of India, his successor, Sir John Peter Grant, appointed 45 honorary magistrates in Calcutta and 45 more in the districts. They were all Zamindars, European planters or other persons of position. They were generally invested with power to try minor cases, but did not exercise control over the police. (*Buckland: Bengal under the Lieutenant-Governors* Vol. I).

(2) [Ed.] The odious Inam Commission was stopped in its work suddenly owing to the outbreak of the Mutiny. Its introduction into Gujarat which had been contemplated, was entirely abandoned; and some of the confiscated estates were restored. But the distrust was not easily removed; and in the border-villages belonging jointly to the British and to Indian Princes, rent-free lands belonging to the former had been resumed, while those of the latter remained intact. (For the work of the Inam Commission see *Correspondence relating to the Scrutiny of the Revised Surinjam and Pension Lists*, Bombay, 1856).

Under the new regulations of 1859 all the inam inquiries in the Presidencies of Madras and Bombay were set at rest; and inconvertible titles and the option of converting their terminable tenures into freeholds, by the payment of a sum to Government, were given to the holders of the inams.

(3) [Ed.] The development of trade and industry was mixed up with the question of utilising waste lands of which every province had its share. As early as 1858, Lord Canning had granted 1,000 acres in the Kangra Valley to a retired Civilian who wanted to establish a tea plantation. By 1861 the pressure of the cotton famine in Lancashire had forced the Viceroy to issue a formal proclamation touching the sale of waste lands. Under its rules any person was allowed to purchase up to 30,000 acres of cultivable waste, free of land-tax, at the rate of 5 shillings for uncleared and 10 shillings for cleared soil. A plan was also put forth for redeeming the land-revenue at twenty years' purchase of the existing demand. But only 10% of the land-tax in each district might thus be commuted at a rate which most persons deemed excessive for Bengal. "Very few, at any rate, cared on such terms to buy the fee-simple of land then worth only six or seven years' purchase in the open market. The

doubtless intended by Lord Canning to complete that constructive and conservative framework which he wished to see spread over India; but I regret to say that I look upon this latter series of measures in a very different light. If they were likely to become extensively operative, which I do not believe, they would prove revolutionary and destructive, rather than conservative. Rules for the sale of public land in the vast unsettled and unexplored tracts of Australia and North America cannot be applicable or suitable to a populous country like India, the seat of a written law and a complex social economy for the last two thousand years.[1]

Many of our contemporaries, especially in England, seem to regard with favour Lord Canning's freehold regulations, chiefly as affording space and facilities for the acquisition of land in fee simple by European settlers,[2] who now for the first time possessing full command over the soil, and ample sway over the ryots, will be able by legitimate influence, persuasion, and purchase, to extinguish all minor tenures in their vicinity, to reduce the tillers of the soil from their unprofitable position of petty occupants to that of paid labourers, and eventually to develop the resources of India in a style and on a scale that has hitherto been totally

waste land rules on the contrary, succeeded in building up new and prosperous industries in the hills of Northern and Southern India" (Trotter—*India under Victoria*; Vol. II; p. 140). Government were not free from utopian anticipations regarding the results of the waste land rules.

1. These rules for the sale of waste lands were, after mature consideration, so materially modified by Sir Charles Wood, as to render them innocuous,—another proof of the beneficial supervision of tropical measures in the cool atmosphere of Downing Street.

(2) [Ed.] Sir Charles Wood perceived that "the intrusion of European settlers among the warlike and predatory clans (who were passionately attached to their ancestral lands and by whom most of the waste tracts were thinly peopled) would lead to differences and quarrels ending in bloodshed, and the ultimate extermination of the weaker body." He therefore cautioned Government to exercise great care in allowing grants of land in outlying districts with imperfect arrangements for the protection of life and property. He pointed out that the mode of securing to the grantees the possession of their lands, without regard to the rights of the original claimants, was entirely inconsistent with equity and also with the provisions of law. He approved of the proposed resolutions being applied only to the remoter districts in Assam, Oudh and the Central Provinces and insisted on a previous survey of the lands to be allotted and on their being put up to auction, instead of being sold at a fixed price. This prevented land-jobbing on the part of speculators; and a tribunal was established for the settlement of all claims to land proposed to be sold.

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impossible. After giving the most careful consideration to this subject, I have reluctantly arrived at the opinion that all such anticipations are quite visionary; that no large number of European agriculturists can be expected to settle in India under existing circumstances, and that it would be highly impolitic, inexpedient, and unjust to encourage any such persons to come to this country by any special inducements, by the offer of exceptionally liberal terms, or of exclusive privileges. I do not believe that English capitalists will ever come to India as planters, and even if they would come, I do not look upon their advent as anything to be desired or invited.

If indeed I thought there were any prospect of English capital being largely invested in land, and that the "resources" of India could thus be "developed" in every direction, on the same plan and in the same spirit as has been done in Malabar by Mr. F. C. Brown,[1] and in Salem by Mr. Fischer,[2]—if we could secure for every well situated tract of waste or jungle such a man as Captain Nelson,[3] who has devoted himself for years, with great benefit to the people around him, with great prospective advantage to the revenue of the country, but with small profit to himself, to reclaiming the deserted Zemindaree of Siddapoor

(1) [Ed] One Mr. Murdoch Brown, a merchant of Mahe, originated a scheme of creating a plantation of coffee, cinnamon, pepper and nutmeg in the Anjarakkandi *amsam* in the Chirakkal taluk; he entered in 1797 into an agreement with the Company and finally got the transfer of the plantation to himself in 1802, on a lease of 99 years. The descendants of Mr. Brown remained in undisturbed possession of the estate till 1901 when the lease expired. Coffee was first grown here in Malabar and was introduced from here into the Wynaad before 1825. A large plot of cinnamon is a feature of the *amsam* and the Anjarakkandi white pepper was famous in the London market. The Brown family had a large and rambling old house on the banks of the Anjarakkandi river. Mr. F. C. Brown was a member of the family.

(2) [Ed.] Mr. G. F. Fischer, (1805-67), whom Mr. J. J. Cotton described as "the last of the great adventurers or non-official English in Madras," first took service under Mr. Heath, then acquired the Government contract for saltpetre and also a number of indigo factories and cotton godowns. He purchased the Salem Zamindari in 1836 from the widow of the first Zamindar, and acquired extensive coffee plantations on the summit of the Shervaroy mountains. His daughter married the well-known Oriental scholar, the Rev. Thomas Foulkes.

(3) [Ed] Captain Nelson of the Invalid Corps, settled in Siddapur for a considerable time and tried the experiment of breeding Nellore cows; and he got high prices for the cattle, most of which were the produce of his own farm. Siddapuram is on the road to Srisailam. In 1855 Captain Nelson settled here and endeavoured to reclaim the jungles and restore the village, but without success.

in the Kurnool District,—I should say without a moment's hesitation that of such work and of such workmen there cannot be too much or too many in India. But while of their own accord, and by their own means, and without any special encouragement or privileges, a certain number of such men, of each of the classes I have indicated, will always be found at work, the number of such men must always be very limited, and cannot be increased by any legislative or administrative contrivance.[1]

The great merchants of the Presidency towns, who employ agents to grow sugar, cotton and coffee, are in fact, what the majority of the Bengal indigo planters were only in pretence—capitalists. Mr. Fischer purchased the Mootta of Salem for a large price in the open market; he has expended large sums on the improvement of the estate,[2] he has made it his home during the last quarter of a century, and he intends I believe, to die there. Captain Nelson is an industrial hero, with a strong dash of the ascetic, and (as by all accounts he cannot be daunted) I may add, that he is as likely, as he is ready, to end by being an industrial martyr.

But where are such settlers as these to be found? Candidates for a laborious hermitage and slow martyrdom are scarce.

(1) [Ed.] In fact, according to the Second Report of the Select Committee on Colonisation and Settlement in India, 10th June, 1858, it was doubted whether even the Civil Service would be able to retain its exclusive privileges after the extensive establishment of European settlers; and one witness alleged that, in May 1858, there were fewer Englishmen settled in the interior of India, than there were twenty years before, government servants excepted.

(2) [Ed.] Major Bevan who visited Salem in 1837, gave an interesting glimpse into the condition of Mr. Fischer's Zamindari, in which each ryot was assessed in a fixed proportion of the crop. He wrote that "from their general aspect, the air of comfort about themselves and their dwellings, and from the great increase of population, I should say the system was beneficial." (*Thirty Years in India*; Vol. II; p. 355).

Fischer built an indigo factory in his compound as well as a coffee-curing barbecue. Part of the compound was also used as a bleaching ground in the days of the Company's investment. 'Salem cotton' was exploited by Mr. Heath and after him by Mr. Fischer; and 'Salems' were well known in the commercial world. Fischer was also the pioneer of coffee cultivation in the Shervaroys; he tried to introduce tea also on the hills, but did not meet with success. He also began the practice of precipitating the colouring matter of indigo with lime water in a vat or cistern; and he set up an indigo factory at Salem in 1860.

Tropical jungles don't attract moneyed men. A man with £20,000 or so, can do very well in England, or can make a fortune in the midst of agreeable society at Madras or Bombay. As to the great mercantile houses, although some of them, or their local agents, are to a certain extent land-owners or landholders, they are not so by choice: they may really be much more properly considered as purchasers and manufacturers of produce than as agriculturists. If in certain localities they do actually grow sugar, coffee or cotton on land in their own occupation, it is only because no one else grows those valuable staples in the quantity, or of the quality they require; but wherever the natives do grow them, the merchants much prefer confining themselves to making advances and buying, in which operations their command of capital gives them a practical right of pre-emption, while their European connections enable them to sell without delay and to the best advantage. They want the produce and to get it they will consent to hold land, but they have no vocation as landlords.

No part of the Madras Presidency has ever been cursed with anything approaching to the indigo planting system, which has made the European name so cheap and so hateful in certain districts of Bengal. That system has happily collapsed at last by its own rottenness;[1] and I have nó intention of inflicting on my readers any more arguments on a subject which so lately occupied all the newspapers of India *usque ad nauseam.* I merely allude to it as the most striking exhibition possible of what might be expected from an influx of European agriculturists without capital, such as are nine-tenths of the Bengal indigo planters. We do not want planters but landlords.

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(1) [Ed.] There was evidence produced in an irresistible manner that the indigo cultivation was unprofitable to the ryot. "The ryots declared that it was so, with scarcely a dissentient voice; the landholders asserted it; the missionaries affirmed it; the officers of government proved it; and the planters themselves admitted it; and they admitted more, that the ryot had been unfairly saddled with manyof the expenses connected with the cultivation of indigo." While prices had risen all round, that of indigo had been kept down to a point at which remuneration was all but impossible. (West-*Administration of Sir Charles Wood*—p. 47).

And while I should rejoice to see any addition to the number of such English landlords as Mr. Brown, Mr. Fischer, or Captain Nelson, if they could be kept in India, I must frankly avow my belief that any important addition to that number is not to be looked for; and that any incursion of the average, ordinary European planters, even should they bring a little capital with them, which is highly improbable,—is very much to be deprecated.

The European landlord, if not immediately and extraordinarily successful, would be, I fear, almost invariably exacting and oppressive in good seasons, and unable, or not particularly inclined, to support, his poor tenants or labourers in hard times, as would be done by a native Zemindar. For the European in India, more especially in the remote districts, is almost exempt from the salutary influence of public opinion in his dealings with his native fellow subjects.[1] Even if he ever

(1) [Ed.] About this time there was the widespread trouble arising from the oppression of the indigo planters in Bengal. The ryots tried to fight out their case against the planters who were helped in many cases by the District Magistrates. But they were backed by public sympathy and by the missionaries also. Babu Dina Bandhu Mitra portrayed the oppression of the ryots in his *Nil Darpan*. Government appointed the Indigo Commission in 1860. The Majority Report was compiled with a bias in favour of the planters; but the Commission did not recommend the vesting in planters and Zamindars of the powers of Honorary Magistrates. The sequel to the troubles is the well-known *Nil Darpan* case where the English translation of the drama of Dina Bandhu Mitra, circulated from the Secretariat of Bengal formed the subject of an action for libel brought by the Landholders' and Commercial Association. The printer and the translater (Rev. Mr. Long) were punished. (See West:—Ch. V).

Mr. Eden considered that the seizing of the ryots and their confinement within factory walls had increased in consequence of the establishment of numerous magisterial sub-divisions throughout Bengal. "In one instance a man had been taken from factory to factory, until he died under the treatment he received. In another an indigo planter objected to the establishment of a deputy-magistrate's court in his neighbourhood; the court was established, and no sooner was this step taken, than the discovery was made that the neighbouring factory was used as a place of illegal imprisonment for recusant and defaulting ryots."

Sir Charles Wood urged that the bill proposed in March 1860 by the Government of India, to subject, according to the wishes of the planters, ryots to criminal punishment for breach of contracts, should be withdrawn and that no special legislation should be granted to the planters. The latter had agreed to pay more to the ryots for their indigo, but demanded higher rents in return. The ryots, emboldened by the Rent Law, stood out everywhere against this new exaction. Things became critical in the autumn of 1860 when Lord Canning wrote that "for about a week it caused me more anxiety than I have had since the days of Delhi. The Secretary of State's refusal to sanction a penal contract law did not definitely set at rest the indigo question. Mr. Seton-Karr's unwise sanction of the translation of the *Nil Darpan* (wherein two

hears of what the natives around him think and say of his acts, he does not associate with them, he is perfectly indifferent to their opinion, and quite independent of their judgment; and his European compeers, far and near, are very unlikely to hear anything, and are certain to care nothing, about his transactions with his native tenantry and neighbours, unless something should occur amounting to positive criminality; and in such a case the spirit of clanship generally makes the social verdict* very lenient. It is not so with the native landlord; he may be oppressive, but if so he will certainly hear of it again; and there is a limit beyond which any exaction or cruelty will bring popular contempt, reprobation, or vengeance upon him in some form that he and his family can feel.

Then let us suppose, on the other hand, that the European landlord, by dint of his capital, skill and energy, is completely successful, and after a certain number of years finds himelf in possession of a noble estate, surrounded by a prosperous and happy tenantry, and his rent-roll paid like clock-work; while a routine of business and a system of supervision have been established, that secure to each his rights, and from each his regular duties. Now comes the vexatious doubt, the intrusive difficulty which would qualify my satisfaction, a doubt which applies as much to the very best landlords as to the very worst; for—to revert to those representative names which I have already used to illustrate my argument—even if Mr. Fischer or Captain Nelson should determine, however great their profits may be, to remain for life in India, who can guarantee that their sons or their grandsons will be content to do so? Is it not far more probable that the successful landholder, secure in his ample rent-roll, will sooner or later hand over his estate to an agent,

indigo-planters were painted as cruel tyrants whose conduct drove their ryots into madness and suicide and whose wives shocked, by their manners, native ideas of decency) worked up to white heat the fury of the planters and their friends. An English jury found the translator, the Rev. J. Long, guilty of malicious libel and condemned him to a month's imprisonment, besides the payment of a large fine. Mr. Seton-Karr was censured by the Governor-General for ordering the translation and transferred to a less important post.

and prefer to expend his income in the more congenial atmosphere of London or Paris? We know that every successful West India proprietor became an absentee, and that the greatest among them had been absentees for several generations before the abolition of slavery. And for my part I cannot understand what attraction there is in the climate, the scenery, or the society of the East Indies, that should render it a more pleasant place of residence for a wealthy European than the West Indies.[1] If the rich English landholder stays in India after his fortune is made, there must be some mysterious charm in the sacred soil to work such a revolution in his natural tastes and desires; for every other species of Nabob,—civil, military and commercial,—has always gravitated homewards with the certainty of physical law.

If then the English landlord is most likely to quit India just when his labours have been most successful, his smiling ryots will lose their best protector just as they have got something of their own to lose. The master's triumphant exodus will be the commencement of their purgatory. Experience in Ireland and the West Indies tells us what an absentee estate becomes under the management of an ordinary agent. I do not anticipate any such evils for India; as already explained, I believe success for Europeans in agricultural enterprises in India to be possible only in peculiar localities, for certain high-priced staples, on a comparatively limited scale, or for temporary purposes of initiation and instruction. There are exceptions to all rules, and there are

(1) [Ed.] Mr. Montgomery Martin, in his *History of the Mutiny of the Sepoy Troops in 1857* (Introductory Chapter), thus gives his view on the matter:—"The point long doubtful whether the English constitution could ever bear permanent residence and active occupation in India, appears to be solved by the concurrent testimony of the planters whose evidence before a Committee of the House of Commons has been so largely quoted. Their stalwart frames and healthy appearance, after 20 or even 30 years' experience, went far to confirm their statements that out-door employment in the more temperate localities, was, even in India, favourable rather than detrimental to health. It is still an open question how far their children or grand-children might thrive there, and to what extent early transplantation to schools in the sanitaria...may operate in preventing physical deterioration." The progress in the means and rapidity of communication has led to the intensification of 'migratoriness' even among the European planting community which shows a larger and more frequent emigration of women and children to Europe and a more intermittent stay even of the men continuously in India.

existing exceptions to this one. I would throw no obstacles in the way of colonists; I would not legislate against absentee proprietors in any part of the world. But I feel it my duty candidly to state that I do not wish to anticipate any arrival of English settlers in India, that I consider any European colonisation of this country to be impracticable, and that I would most strongly deprecate all encouragement of such a revolution. Against the Contract Law,[1] and generally against all legislation which by one-sided penalties summarily administered, tends to give an undue advantage to British employers and masters over native labourers and servants, I have always raised, and shall never cease to raise, the strongest opposition in my power. The fact that the whole English planting and mercantile community is now clamouring for such legislation, indicates to me that they are, morally, socially, and economically, in a false position. They have no stake, they have no ties in the country. They are hasting to be rich, they are hasting to take their riches away, and they can tolerate no opposing rights or interests.[2] Let us have English merchants, manufacturers, schoolmasters, doctors and missionaries; we cannot have too many. But Englishmen are not made to be landholders and territorial magnates over under-tenants and

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(1) Twice passed, in different shapes, at Calcutta, under the influence of the local press and commercial classes, this law was twice vetoed by Sir Charles Wood, and received its *coup de grace* from the weighty speeches of two new members of the Governor-General's Council, Mr. H. S. Maine, and Mr. R. S. Ellis, in February, 1863. *Additional Note*—[Ed.] see note on p. 328. The two attempts at legislation refer to (1) Act XI of 1860 which contained stringent provisions for the fulfilment of indigo contracts for the protection of the planter, but very lenient ones against him; and (2) the Secretary of State's sespatch of 18th April, 1861.

(1) [Ed.] The Bengal Indigo Commission of 1860 held that all the defects of the plantation system might be traced originally to "one bare fact, the want of adequate remuneration." Even as early as 1810, the licenses granted to four indigo planters were withdrawn, on account of their severe ill-usage of the natives. There was a continuous demand by the indigo manufacturer for special laws in his own favour. (Minute of Sir J. P. Grant, dated 17th December, 1860, on the Report of the Indigo Commission).

minor occupants of another race and colour. We do not want planters but landlords.[1]

To produce a high state of prosperity in the present state of Indian civilisation, there must be a lord and master, be it only a name, to form a centre of recognised authority to collect and lead the working multitude and to keep it together. But this is work for Natives and not for Europeans. The landlord ought to be tied to the soil, born, bred, and destined to leave his bones in it, connected with his tenants and dependents by blood and language, belief and customs. Without these powerful ties and genial sympathies, there is no vital and organic connection between the European landholder and the great body of humanity around him; his presence is liable to become that of a foreign and irritating intruder; his absence exposes the whole organisation to a cruel and fatal disease. We do not want planters but landlords, and landlords in India must be natives.

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(1) [Ed.] On the Nilgiri Hills attempts were made several times at popularising English farming, which began with Mr. Lushington's experimental farm at Kaiti, started in 1839. Lord Napier, Governor of Madras, minuted, in September 1871, that attention should be drawn to the facilities which the Nilgiris might afford for the institution of small farms on the European system, worked in part at least by European labour. He wrote that a close inspection and analysis would lead to the perception of difficulties in the way of the creation of a self-supporting English rural population and of the establishment of English agricultural settlers as distinct from planters, and that poor English farmers would find it difficult to establish and maintain themselves, while richer men would prefer to go elsewhere (Grigg—*Manual of the Nilagiri District*—p 461). See also *First Report of the Colonisation Committee*, 6th May, 1858—p. 52; Evidence of Mr. R. Baikie.

LETTER XIV

PRECEPT AND EXAMPLE

If I were asked by an intelligent native of India, what are the two great pillars which have so long preserved English society in a state of stable equilibrium, and have made the English nation and Government the most powerful and influential in the world,—I should point to the right of private property in land, and to the complete separation of judicial and executive functions in our administration.

No Asiatic nation under a native Government has ever fully and firmly obtained possession of either of these advantages; and—strange to say—completely English as they are, and tenaciously as we cling to them at home, we have not merely done less than might have been expected towards their establishment in India, but we have actually done much to unsettle landed tenures which we found in existence, and which could scarcely be distinguished from private property; and we have lately adopted, and largely extended, the Oriental confusion of offices in our Non-Regulation districts.[1]

We cannot expect the native Princes to introduce any reform into their administration, which we have not thoroughly naturalised and exemplified in the Provinces under our direct rule. Princes and people are ready enough to learn from us.

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(1) [Ed.] These were not governed according to the fixed Revenue and Judicial Regulations by the civil servants of the Company, but were ruled by an executive composed partly of civilians and partly of soldiers, upon a mixed system in which the spirit of the Regulations was infused with the spirit of the native institutions. Sir George Campbell praised the union of the offices of Judge and Magistrate and Collector, which was a feature of the system. In criminal matters the Regulations were pretty closely followed; in civil courts they were entirely dispensed with; and in revenue matters special directions were received from Government. The Commissioner, in charge of several districts, united all the powers of the different departments; and he had, under him, similar officials for the district (*Modern India* pp. 251–2).

Imperceptibly and silently, without any formal avowal but not the less with absolute and final effect, the native Princes of India, following our example, have divested themselves of arbitrary power over the lives of their servants and subjects, the most ancient prerogative of Oriental sovereignty. That this has been in a great measure brought about, and is still sustained by the influence of our Residents, and the supervision of the Governor-General, is perfectly true; the example was set and has been unremittingly upheld by us; but the doctrine has now been so thirstily imbibed, the lesson so intimately learned by the people of India, that there is no fear lest it should ever be repudiated or forgotten.

The servants and subjects of no native Prince would in these days tamely and uncomplainingly be witnesses of a violent and capricious sentence of death, without the arraignment and deliberate trial of the offender; nor would they tolerate mutilation or other cruel punishment. In what form their disapproval would be shown, and how far their opposition would proceed, would depend upon the nature and circumstances of the case, and would vary in different parts of India, but in many States open resistance would be certain.

This primary lesson of personal rights, and of the sacredness of human life, has been taught by us, and has been learned by the people of India. Would it be unjust to say that it is the *only* lesson that we have taught them, and that they have learned? It may be replied that if so, it is their fault, and that they will not learn; but still such a scanty result, such a summing up of "the blessings of British rule," ought to, be somewhat humiliating to us, and may, I think, be made somewhat instructive.

Beyond this lesson of a greater regard for human life, has our Government practically illustrated and enforced by its policy and example in India, any more of those elementary principles by which our greatness has been secured, and by

which alone a civilised, enlightened, and liberal Government would profess to be guided in this latter half of the nineteenth century? Precepts we have had in abundance, and professions have not been wanting; but where is the example?

No Government in India, native or foreign, not even the the Mahomedan invaders, ever swept away tenures as we have done; we have destroyed and upheld them all in turn; we established the landlords in Bengal as owners; we abolished them, for the most part, in Madras, and made landowners of ryots who were little better than prædial slaves; and the effect has been chronic ruin and beggary to all classes.[1] We extinguished the great landlords in the North-West Provinces, and converted the village communities into owners,[2] subject for many years to an indefinite assessment, with an effect not much less destructive than the ryotwaree system in Madras. In the Bombay Presidency our great efforts have been directed

(1) [Ed.] Lord Harris, Governor of Madras, put forth in a paper, at the beginning of 1856, that in the whole Presidency, out of five million farmers, there were not ten worth £1,000; and the area of cultivation was only $\frac{1}{5}$ of the whole with no tendency to increase. He recommended the reduction of the tax from 35% (nominal) to the old Hindu rate of 25% of the gross produce and the fixing of the assessment for 50 years. The native aristocracy was extinguished; and its revenues were lost equally to the rulers and the multitude; not one-fourth of the cultivable land was taken up for cultivation and 20,000 men left annually, migrating to foreign lands. "The rich man became a beggar; and the ryot remained a slave....And if ancient Zamindar and modern ryot have been equally ruined by the operation of the Madras system, it has not proved in the least favourable to European enterprise....In Madras the only surplus is that of the Government revenue."

(1) [Ed.] Regulation VII of 1822 was the "Magna Charta of the village communities" in the N. W. (United) Provinces. This was largely the result of the labours of Holt Mackenzie and Robert M. Bird who were "the Bacons and the Hookers of our revenue schools" and "forgot the ground on which they stood to look for analogies which had no existence." "Full of theoretical justice, they did solid wrong; full of real benevolence, they spread ruin and desolation around." (Charles Raikes—*Notes on the North-Western Provinces of India* (1852)—p. 70). He quotes from an interesting little Urdu treatise on village affairs—*Kitab-i-halat-i-Dihee* (Book of Village Affairs)—by a Muhammadan Deputy Collector, published in 1850, in which the change which was very common, was depicted of the simple Zamindari tenure into various complications of the imperfect Putteedari *i.e.*, tenure in severalty, and again into a complete and perfect division of estates.

Mr. Henry Mead points out (p. 316 of his *The Sepoy Revolt; its Causes and Consequences*) that while the village settlements favoured the views of capitalists and traders, who availed themselves of every opportunity of buying out or ejecting by law the village proprietors, it was not calculated to secure the great aim of its founders and that the scheme was unsound in its essence and unable to stand the wear and tear of litigation; but it was for a time much better for the interests of the cultivator because it gave him a share of the rent.

against the holders of Inams or rent-free estates. Both in the Madras and Bombay Presidencies, however, the reduction of assessment in many districts, better communications and increased exports, have, within the last ten years, led both to an improvement in the revenue from extended cultivation, and to the accumulation of capital. But while the new class has been rising from the bottom, we have lost precious opportunities of obtaining a moral and social influence over the aristocracy of of the first growth. They are ruined and hostile, and having by no means lost the natural authority of rank and position, they have imbued with distrust and disaffection even the rude and uncultivated yeomen who have risen under British rule.

I do not myself profess to have an abstract and symmetrical theory of property, or of the distribution of wealth; I am not a Proudhonian[1] or a Fourierist.[2] I in fact abhor, as much as Burke did and as Buckle does, all abstract principles of government and of society; I throw to the winds all natural possessions, all fundamental compacts. Political science is an experimental science, and its greatest conquests have been and ever will be achieved, not by skilful dialectics and inexpugnable theories, but by working from the actual to the possible, and by harmonising every change with the human desires, the human habits, and the human knowledge of the time and of the people.

I strongly suspect that the more valid abstract theories, the mord compact and finished logic, will be found with Fourier and Proudhon, and their practical though unintentional followers. Mr. Mangles, Captain Cowper, and Lord Dalhousie.

(1) [Ed.] Proudhon (*b.* 1809) first developed a doctrine that property is theft and labour alone is productive. He strove to correct the vices of private property, without becoming a party to "the crass stupidity of Socialism," to make it harmless and place it at the disposal of every one. He wanted to suppress the unearned income derived from property and at the same time preserve property itself. The Paris Revolution of 1848 threw him into the *melee* of party politics and hastened the publication of his theories.

(2) [Ed.] Charles Fourier advocated a programme of 'back to the land', and a dispersion of the big cities and a spreading out of the inhabitants in Phalansteres, meaning moderate-sized villages of about 400 families. He anticipated the garden-city visualised by Ruskin and Morris. He hated industrialism and machine-production of every kind; and his desire was to see men work for the mere love of work.

I suspect that a French communist would have found as good or better reasons for despoiling Mr. Mangles and Lord Dalhousie of their estates in Great Britain, and dividing them among the farming occupants, than they did for ousting the Deccan Inamdars and the Talookdars of Oude.[1] I have a course, vulgar, unreasonable, old-fashioned love and respect for mere possession, and for mere prescriptive rights, and consider them to surpass all theories, and to supersede all logic. I see that the wealth, solidity, and security of England, have arisen from the indefeasible rights of property, and especially of private property in land. I see that the family, the community, and the nation, are all built, and all subsist, upon the strong human desire of individual acquisition, possession and transmission of property to offspring. History teaches me that the most beneficial revolution in European society, and the great stimulus to activity and production, arose from the conversion by royal favour, and by violent or fraudulent encroachment, of feudal, communal, and service tenures into allodial estates. This vast and silent change was effected by means ten thousand times more illegitimate than those which have so often distressed the "crack" Collector and the Inam Commissioner. But they were natural processes, called for by the gradual wants of society, and approved by the general opinion and instinct of both rulers and people. And I see the same tendencies at work in India, the same great conversion of tenures in progress, both under the Mussalman monarchies, and during the Mahratta revolution.

(1) [Ed.] Mr. Henry Mead, in his book—*The Sepoy Revolt, Its Causes and Consequences* (1857) p. 332—says that M. Proudhon might well claim as a zealous practical disciple. Mr. Elliot, First Member of the Madras Council, who, "as the head of a revolutionary tribunal in the Northern Circars, destroyed more ancient families and confiscated more estates than any member of the (French) National Convention could boast of having ruined in his day of republican triumph." Proudhon might well assail Mr. Elliot with remonstrances like the following:—"Your rajahs are the exact counterparts of our grand siegneurs; your Zamindars are our farmers-general; the Indian ryot is the very image of Jacques Bonhomme. Our common object is the abolition of all middlemen. We would have but one class of rights—those which spring from the exercise of industry; and but one kind of power—that which is necessary for the public safety. You have no peers, no chamber of deputies, no aristocracy; but only the ryot at the one end and an executive of retired tradesmen at the other. Go on and prosper, in the name of the friends of a regenerated world!"

According to Indian principles. very similar to those of the European feudal system, the real proprietor of the land was the Sovereign; but a distinct tendency, and a partial progress, may be traced in the annals of every native State, Hindoo and Mahomedan, to pass through the feudal Talookdaree, and the service jaghire estate, to an allodial tenure or absolute proprietorship.

It was exactly so with landed property in England. The Earldoms were originally granted for life only, and a hereditary succession was imperceptibly established,—as among Zemindars and Jaghiredars in India,—only because the Earl's son was generally so much more powerful than the rest of the Barons in the district as to ensure his nomination upon his father's decease. Both in Europe and in India,—though in the latter country that step was less frequently obtained,—the obligation of furnishing troops to the Sovereign gradually fell into desuetude, or was commuted into a money payment, and the property in land became absolute and complete.

But we interfered in India, and checked effectually that nascent change of tenure which would doubtless have proved as beneficial in India as it has in Europe. Whenever we gained possession of a province we seem to have, "cried havoc, and let slip the dogs of war," upon every one in the shape of a landowner. The more valuable the possession, the more complete and absolute the ownership, the more nearly it approached to a freehold the more does it seem to have roused the cupidity of our Collectors and Commissioners.

A perusal ot the Madras Board of Revenue Minute, of the 5th January 1818,[1] will show how a clearance was made of the

(1) [Ed.] The Board of Revenue were still in favour of the introduction of village settlements when they recorded this which was one of the "most exhaustive and memorable minutes ever written in India." The minute continued as follows:—"Had our power in the Circars been as strong on the acquisition of these provinces, as it subsequently became at the period of the transfer of the Ceded Districts, the ancient Zamindars, like the Polygars of the latter country, might perhaps have been removed from their lands and reduced to the situation of mere pensioners on our bounty; but when the attachment of the people to their native chieftains and the local situation of many Zamindaris are considered, it may be greatly doubted whether such a policy would not have been as unwise as it would have been ungenerous.

great landlords in the districts of Chingleput aud the two Arcots. The Board write very much as if they had begun to repent now that the mischief was done, the hereditary *Zemindars* placed on the shelf with pensions for their lives, and the "rights" of the ryots restored.

"There cannot be any doubt," they say, (para 121), "that the greater number of the Zemindars and several of the Polygars also, were in fact the descendants of the ancient Hindoo Princes of the country." "122. Whatever may have been the origin of these persons, certain it is that most of them were confirmed by the Mahomedan Government, at the period of their invasion, in the hereditary title to collect the revenues of the land which they occupied, on condition of paying to the Government a revenue called a "jumma" or "peshcush.". "134. The ancient *Zemindars* and Polygars were, in fact, the nobility of the country, and though the origin of some of their tenures would not bear too minute a scrutiny, they were connected with the people by ties which it was more politic, more liberal, and more just to strengthen than to dissolve."

And we learn from a foot-note to this very paragraph, that the number of these great landlords ousted and pensioned in the Ceded Districts,[1] on our acquisition of the country, was eighty. They may have been hard masters, they may have been

1. The Districts of Bellary, Cuddapah, and Kurnool, acquired by the Nizam in the partition Treaties of 1792 and 1799, from Tippoo's dominions, were transferred in 1800 to the British Government, to provide for the expense of the Hyderabad Subsidiary Force, and have ever since been called the Ceded Districts.

Additional Note.—[Ed.] Munro's memorandum on the Poligars in the Ceded Districts, enclosed in the report of the Principal Collector, dated 20th March, 1802, describes 80 such chiefs and has an appendix in the shape of an illustrative abstract statement of the poligars, their districts, the number of villages under each of them, their assessments, peshkash and nazars under the Vijayanagara Rayas (till *cir.* 1600), under the Bijapur and Golconda Sultans (till *cir.* 1690), under Aurangzib and his successors (1690–1712), under the Subahdars of the Deccan and the Nawabs of Cuddapah (down to 1750) and under the Marathas, the Nizams and the Nawabs of Cuddapah (down to 1765). This memorandum which is very exhaustive, is published as Appendix No. 26 to the *Fifth Report*—Section on the Madras Presidency.

'a set of debauched wretches," "profligate aristocrats,"[1] or whatever the pure and virtuous officials of those and these days may choose to call them, but I have a strong notion that the poor ryots of Bellary and Cuddapah have found the little finger of the Curnum and the Tahsildar heavier than the Zemindar's loins, and that they have found the Collector a poor substitute for the Polygar in time of need.

Even at this very moment one of the largest estates in the Madras Presidency is marked for confiscation; one of the oldest princely families,—that of the Setupati Zemindars of Ramnad,—is threatened with official extinction, on the death of the widow of the late Rajah Ramasamy Setupati; although that widow has adopted, in due conformity with Hindoo law, and with every local rule and family custom, and with her deceased husband's express authorisation, one of his near relatives, a descendant from their common ancestor, as his son and heir.[2]

(1) [Ed.] The letter of Colonel Munro, Principal Collector of the Ceded Districts, addressed to the Madras Commander-in-Chief, dated 11th November, 1802, says that regular troops should be employed when the poligars were in considerable force and in possession of strongholds and that peons should be sent to pursue them in the jungles lest they should rally again and concert any projected insurrection. There were then about three thousand peons (irregulars) dispersed over the Ceded Districts for the purpose of preventing the return of the fugitive poligars and their retainers and of watching the conduct of the poligars who still remained in the country and of dispersing all assemblages of armed men. The poligars in the Gurrumcondah district set the amaldars at defiance, and paid little rent, unless compelled by military force. Munro recommended the stationing, permanently, of a garrison of peons at Ternikal to prevent outrages, rather than to be obliged to punish them. Munro's policy was thus expressed in that letter :—" My object is to establish everywhere the authority of Government completely, and not to leave a set of turbulent chiefs in a condition to oppose it whenever they see an opportunity ; and if what I have suggested is adopted, there will never be any poligar wars in the Ceded Districts. (pp. 335-8 of Gleig's *The Life of Major-General Şir Thomas Munro Vol. I.*)

(2) [Ed.] Ranee Parvathavardhani Natchiyar, 1846–1862.

At the commencement of her rule, she made several religious and charitable grants. She endowed the temples at Nainarcovil and Madura and granted villages to Muthuveerayi Natchiar's Chattram at Ramnad and some others. She appointed her brother, Kottaisami Devar to manage the affairs of the Estate, in July 1846. Muthuveerayai Natchiar, the mother-in-law of Ranee Parvathavardhani Natchiar, had been engaged in actual litigation since 1840 with Parvathavardhani Natchiar and others for enforcement of her alleged right to the Zamindari; the litigation terminated on the 26th of February 1847, by a razinamah or agreement of compromise, under which, provision was made from the Estate Funds for the maintenance of Muthuveerayi Natchiar, and of her foster son, Sivasami Devar, who, in return, declared that

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The rebellion in Oude laid bare the grievances of the Talookdars of Oude, and led to the restoration of their rights. The murder of Mr. Manson, Collector of the Sholapur District, by the Noorgoond Zamindar, who was the first among the few Mahratta chieftains that took up arms in 1857,[1] told a tale of

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Parvathavardhani Natchiar might thence forward enjoy the Zamindari for ever, and besides, might adopt a son at her pleasure.

On the 24th May 1847, Ranee Parvatha adopted her sister's younger son, named Muthuramalinga Devar. The Board of Revenue, in their order, dated 10th March 1849, declared that the adoption was invalid and that on the death of Parvathavardhani Natchiar, the Zamindari would escheat to Government. On the 23rd of July 1855, the Madras Government set aside this order and determined to recognize the adoption, until it should be declared invalid by a decree of the Civil Court. But on the 29th October 1855, the same Government cancelled its former order, and confirmed the order of the Board of Revenue, declaring the adoption to be invalid.

This gave rise to two important protracted litigations. Kunjara Natchiar, the last surviving widow of Annasami Sethupathy, brought a suit impeaching the validity of the adoption made by Parvathavardhani Natchiar and claimed to succeed to the Estate after the death of the latter. Muthuramalinga Devar, the adopted son, brought an action against Ranee Parvathavardhani Natchiar and the Collector of Madura, to recover possession of the Estate by virtue of the adoption.

The two suits were very severely contested and taken before the Judicial Committee of the Privy Council. Their Lordships confirmed the order of maintenance made in favour of Kunjara Natchiyar, at the rate of Rs. 10,000 per annum. The adoption of Muthuramalinga Sethupathy was decided by them to be a valid and effectual one, on the 21st May 1868. In the interim, Muthuramalinga Sethupathy took possession of the Estate in 1862, after judgment was given by the Court of first instance. Ranee Parvatavardhani Natchiar died some years later, namely, on the 14th January 1871. Ponnusami Devar, the natural brother of the adopted Sethupathy, managed the affairs of the Estate from December 1857 to May 1868, after Sivagnana Devar, who succeeded Kottaisami Devar in February 1856, and in reward for his services and relationship had a Sub-Division conferred on him, containing the villages of Poliampatty, Pandalagudy &c, 14 villages, paying an annual peshkash of Rs. 24,680-0-0. The affairs of the Estate were in the worst state, the litigations above alluded to, having involved it in heavy debts. (From the *Ramnad Manual*, pp. 264-66.)

The Ramnad Zamindar, called by Orme and other eighteenth century historians, 'the Greater Maravar,' was one of the largest fief-holders under the Nayaks of Madura and ranked, along with the feudatories of Sivaganga (Little Maravar), Pudukottai (Kallar) and the Raja of Nanjanad (Travancore) as one of "the elder sons" of the Nayak.

(1) [Ed.] The discontent of the Desais of Nipani, Jamboti, and of Kittur in the Southern Maratha country was largely due to the action of the Inam Commission towards them. The Chief of Nargunda was connected with some of the most powerful families in the Southern Maratha country and was known to be thoroughly disaffected. He had been deprived of the right of adoption "in terms which—owing to the faultiness of the translation of the original English—added insult to enjury." Nargunda was one of the chief semi-independent states of the region which included Sangli, Miraj, Savanur, Kurundawad, Jamkhandi and Mudhol.

Nargunda was originally given to Ram Rao Daji under the Peishwa, It was conquered by the Sultans of Mysore and restored to the Maratha supremacy in 1792. It was twin to the estate of Ramdrug. In 1857, the Chief, Bhaskar Rao, murdered Mr. Manson, the Political Agent ; and for this he was hanged and his estate confiscated.

the desparate hatred engendered by the refusal to recognise the succession of adopted sons, and was undoubtedly one of the most urgent inducements to that reconsideration of the results of the Bombay Inam Commission, which called forth Lord Elphinstone's admission, not only of its iniquity, but of its being "a costly failure" in a financial point of view,[1] and terminated in the repeal of its legislative basis, the reversal of its whole system of procedure, and its reconstitution on more equitable and conservative principles. Cannot the Government of Madras profit by the dearly bought experience of Bengal and Bombay?

The unsettled and perplexed state of the Mirassi question will prove how cruelly our revenue authorities have misunderstood and tampered with a most valuable and beneficial right; and the attack on the Mirassidars is still persistently continued, both by the majority of British officials and by the entire British mercantile community. Will nothing but a rebellion in the Madras Presidency reveal to our rulers the destructive tendency of their proceedings against certain great landlords,[2]

(1) [Ed.] In 1867, according to the estimate of Mr. H. Mead, the labours of the Bombay Inam Commission which had been in existence from 1843, had cost perhaps £ 100,000 in cash; and the gain in revenue from resumptions was £ 15,846 per annum then and a further sum of £ 27,000 after a lapse of 1, 2, or 3 lives.

The titles of no less than 35,000 estates, great and small, were called for by the Commission and three-fifths of them were confiscated in the years 1852–57. According to Act XI of 1852, the Commission was invested with arbitrary jurisdiction over all landed proprietors; and we learn from the admirable memorial of Mr. G. B. Seton-Karr, Collector of Belgaum, that "roused from the dreams of thirty years, these proprietors of precarious title, or of no title at all, found themselves suddenly brought face to face with an apparatus, which, at successive strokes, peeled away their possessions with the harsh precision of the planing machine."

(2) [Ed.] Sayyad Abbas Khan of Udayagiri in the Nellore District whose estate had been for five generations in the possession of his family, was condemned for conspiracy, without being given a hearing and sent to custody in Chingleput and his estate was confiscated; and Government got a net profit of £ 6,760 per annum. There is another instance of the estate of Vasareddy which was entrusted to the Board of Revenue in 1829, owing to a dispute between two adopted heirs. The estate was encumbered with increasing debts due to one of the claimants being put in possession of it by the Sudder Court, without the necessity of giving security. The estate was fleeced; Government arrears mounted up to a frightful height; and it was put up to auction in 1846 and bought by Government for £ 500. The other claimant succeeded in an appeal to the Privy Council, but had first to pay all the costs of appeal; and he found that there was nothing to be handed over to him.

and the inflammatory effect of heart-sickening delay in the settlement of Mirassi rights ?[1]

But these injuries to landed interests are not all. I must add, with the greatest reluctance and shame, that during the last twelve years,—I firmly believe only under Lord Dalhousie's instructions,—we have struck some fearful blows at the sacredness of *personal* property, by our sequestrations and public sales of jewels, clothes, spoons, furniture, cattle, carriages and children's toys, at Sattara, Nagpore, Lucknow, Tanjore and Madras, the private property of friendly royal families. Nothing but repentance, manifest even if inexplicit, and a series of acts of restitution, can efface those deeds of spoliation, or destroy that evil example, and those wicked precedents, displayed before the Princes of India on so many occasions.

With indefeasible rights of private property in land and of transmission by inheritance or will; with a total separation of the office of Judge and Magistrate, from that of Collector and Superintendent of Police, and with Judges placed above

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(1) *Mirasi* rights included a claim to proprietary rights in the soil of any kind and were understood to mean " the remains of any kind of right of the landlord type wherever found," though, literally, the term may be used of any hereditary right to any office, fee or perquisite. Government was not inclined at first to admit the proprietary rights at all ; and the Board of Revenue issued a circular of inquiry in 1814, which resulted in the collection of a series of really valuable papers on Mirasi Rights by Mr. Ellis, Collector of Madras, in 1816. Mirasidars were co-sharers of a village, claiming the entire area (village site, cultivated area and waste within the customary village limits). In Chinglepur (the Jaghire District) the mirasidars' rights were very strong at first ; they were first abridged by the Mussalmans whose over-assessments destroyed the values of the proprietors' shares and who claimed that all land was the exclusive property of the state. " Then renting and revenue-farming displaced old proprietors by new occupants ; and finally modern revenue systems completed the change." In 1834, in Chingleput, outsiders were allowed to take up lands lying idle in *mirasi* villages, though some kind of *swatantram* fee was still paid to the mirasidars. In 1859 *mirasi* pattas were issued, compelling each claimant to keep to his share. In 1863 the distinction between the *mirasi patta* and the *paikari* (outsider) *patta* was abolished. In 1870 special compensation for *mirasi* right in land taken up for public purposes ceased to be given. The mirasidars had originally a right to the waste in the village area and to a *swatantram* (or manorial) fee from non-mirasi cultivators. (See B. H. Baden Powell—*The Land Systems of British India*. Bk. IV ; Part I ; Ch. IV. Sec. 17) and Ellis—*Mirasi Papers* ; and *Three Treatises on Mirasi Right by F. W Ellis, Lieut-Colonel Blackburne and Sir Thomas Munro, with the remarks made by the Court of Directors in* 1822 *and* 1824. (Madras, 1852).

temptation by large emoluments,[1] and irremovable except on publicly proved misconduct, any country would be on the certain road to wealth, prosperity and civilisation. With such laws, with such administrative arrangements, we could trust even a Rajah of Mysore to play at soldiers with his little army, to preside at his little Council, and to excercise his little patronage. Without such laws and such a distinction of duties, even the British Government in India may become a tyranny. And much remains to be done, great changes must be accomplished, especially in our Non-Regulation Provinces, before we can be said to have set that example in our own Imperial institutions which we owe to the Princes and people of India. They will not be slow to learn our lessons and to follow our example.

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(1) In 1847, the Marquis of Tweeddale, Governor of Madras, suspended three Judges of the Sudder Court of that Presidency; and the Court of directors, on being appealed to, made their removal permanent. A few months afterwards, a member of the Board of Revenue who had repeatedly officiated for months as a Sudder Judge, was sentenced by the Supreme Court to six months' imprisonment for the crime of perjury. In 1853 Lord Falkland, Governor of Bombay, removed two of the Sudder Judges, on account of adverse comments made on their character in a Bombay newspaper. The reforms most urgently needed in the Company's Courts were the appointment of trained lawyers to sit as judges and the use of English as the language of the Courts (Mead. Ch. XXI.).

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LETTER XV.

MYSORE AS IT MIGHT BE.

Madras, *April 16th*, 1861.

I understand that the report which has circulated about Madras for the last week, and which has been generally received either with incredulity or with strong disapprobation, is authentic, and that General Sir Mark Cubbon's last official act of any importance,[1] before making over charge to his provisional successor, Mr. Saunders, was to write a despatch upholding the application made by the Rajah of Mysore and advising the Governor-General in Council to restore the government of the country into the hands of the Rajah, its Sovereign.

The grounds of Sir Mark Cubbon's recommendation are said to be nearly to the following effect:—that Articles IV and V of the Treaty of 1799 (under which we assumed the administration in 1831,) allowed us to bring "such part or parts" of the Mysore territory under our "direct management" as should appear to the Governor-General in Council necessary to secure the regular payment of the subsidy, and to render the funds of the State "efficient and available in time of peace or war;" but that the Treaty does not appear to contemplate the perpetual retention of the government in our hands, since all the provisions of these articles are expressly stated to be applicable only "so long as any

(1) [Ed.] Cubbon always treated the Maharaja with every mark of respect, and conciliated his relations, and dependents and the palace officials. He had exempted the Maharaja's people from attendance at the Government courts and admitted a representative of his into the Commissioner's Office to watch his master's interests. He had been always adhering to the instruction of Lord William Bentinck and his successors, "to allow the Maharaja the comfort and dignity due to his situation and also to secure his co-operation in the management of the state."

The Maharaja addressed a *kharita* to Lord Canning on 23rd February, 1861, in which he desired the retransfer of the administration to himself. Sir Mark Cubbon retired from his office on 16th March 1861.

part or parts of His Highness's Territories shall remain under" our "exclusive authority and control."[1]

In summing up the accounts of his stewardship of nearly thirty years, unexampled in its material success, Sir Mark Cubbon is able to point out that the Mysore State was given over to the Commission burdened with a mass of debts,—partly arrears of subsidy and money advanced by the Government at Madras, partly incurred in the Rajah's household,—which, including interest, has involved the payment of sixty-five lakhs of rupees; but that all these debts have been paid off, and the accounts closed; that the subsidy has for many years been paid in monthly instalments according to the terms of the Treaty; that there is now no reason to doubt that the funds of the State are "efficient and available in time of peace or war;" and that consequently no cause remains, under the strict terms of the Treaty, for any longer retaining the Rajah's dominions under the "exclusive authority and control" of the British Government.

(1) [Ed.] The articles seem to refer to the possibility or contingency of providing effectual and lasting security against any failure in the funds destined to defray either the expense of maintaining the permanent military force in time of peace, or the extraordinary expense that might have to be incurred for the protection and defence of the territories of the contracting parties to the treaty, entailing the augmentation of the military forces and the unavoidable charges of war. In such a case the Governor-General might fix a sum, bearing a just and reasonable proportion to the actual net revenues of the state, for payment by the Maharajah.

The 4th article of the treaty provided that the Governor-General in Council should be at liberty and should have "full power and right either to introduce such regulations and ordinances as he shall deem expedient for the internal management and collection of the revenues, or for the better ordering of any other branch and department of the government of Mysore; or to assume and bring under the the direct management of the servants of the said Company Bahauder, such part or parts of the territorial possessions of his Highness Maharajah Mysore Kistna Rajah Oodiaver Bahauder, as shall appear to him, the said Governor-General in Council, necessary to render the said funds efficient and available either in time of peace or war."

The 5th article makes it incumbent on the Maharajah that he should issue instructions to his officers for carrying into effect the orders of the Governor-General in Council, according to the tenour of the 4th article; it provides, in case the Maharajah should not comply within ten days from the time when the application should have been formally made to him, then the Governor-General should be at liberty to issue his own orders for carrying into effect his ordinances and regulations or for assuming the management and collection of the revenues of the said territories, provided that he should render the Maharajah a faithful account of the revenues and produce of the territories assumed, for the period of assumption.

I do not intend on the present occasion to enter fully upon the questions of the Rajah's rights, or of the policy of ceding, or restoring to a Hindoo Prince's personal rule, any districts that have been completely settled under our system of management: but I wish to draw attention to the fact that in this particular case of Mysore, the eventual restoration of the country seems certainly to have been intended by Lord William Bentinck, [1] both from his letter to the Rajah in which he terms the

(1) [Ed.] The Governor-General ordered the formation of a Committee, consisting of Major-General Hawker, Colonel W. Morison, Mr. J. M. Macleod and Lieut-Col. Mark Cubbon, to investigate the "origin, progress and suppression of the recent disturbances in Mysore"; and the Committee submitted its report to Lord William Bentinck, dated 12th December, 1833. The Governor-General's letter ordering the transfer of the entire administration into the hands of British officers, was dated October 1831, and the Maharajah made an immediate surrender.

On April 8, 1834, some time after the submission of the report, Lord William Bentinck wrote a letter to the Maharajah, conveying "a proposition of the most vital importance to your interests"; and in another letter, dated 14th May 1834, he informed the Maharajah, that, in case his recommendation should be approved by the authorities in England, the Faujdaries of Manjarabad, Mysore and Ashtagram would be made over to him on "the conditions specified by Mr. Casamaijor and cited in your letter to me"; and "the remainder of the territory or so much of it as may suffice to satisfy the claims of the Company will be made over to the British Government."

In his despatch of 14th April 1834, addressed to the Secret Committee of the Court of Directors, Lord William Bentinck had written as follows:—

"By the adoption of the arrangements which I advocate, certain doubts will be removed which I cannot help entertaining both as to the legality and the justice, according to a strict interpretation, of the course that has been pursued. The Treaty (of 1799) warrants an assumption of the country with a view to secure the payment of the subsidy. The assumption was actually made on account of the Raja's misgovernment. The Subsidy does not appear to have been in any immediate jeopardy. Again, the Treaty authorises us to assume such part, or parts, of the country as may be necessary to render the funds which we claim, efficient and available. The whole has been assumed, although a part would unquestionably have sufficed for the purposes specified in the Treaty: and with regard to the justice of the case, I cannot but think that it would have been more fair to the Raja, had a more distinct and positive warning been given him that the decided measure, since adopted, would be put in force, if misgovernment should be found to prevail."

Sir Charles Metcalfe wrote to the Maharajah wishing that the decision of the home authorities might be favourable to the expectations held out by Lord William Bentinck. Lord Auckland announced to the Maharajah, in his letter dated 28th March 1836, that the home authorities had decided that his interests would be best served "by maintaining the then undivided and beneficial Administration of His Highness' Territories until such salutary rules and safeguards were matured and confirmed in practice and would afford just ground for confidence to the subjects of a stable from of good Government."

Thus it seems to be obvious that Lord William Bentinck ordered the assumption before he received the report of the Committee, that, after he perused it, he saw the harshness of the measure in having assumed the territory, that consequently he made immediate proposals to the Home authorities to set things right and that "the assumption was quite a temporary measure and intended for the time being".—vide *The Mysore Gazetteer* (New Edition), Vol. II Part IV pp 2874-2876.

assumption of the Government, "the course which the wisdom of the Marquis Wellesley established for a *crisis* like the present;" and also from the instructions given by him to the Governor of Madras that under the two Commissioners whom he originally appointed, "the agency should be exclusively native: indeed that the existing native institutions should be carefully maintained."[1] But while in Mysore the entire fabric of native institutions has been preserved in outline, the original plan of governing by "an exclusively native agency" under two English Commissioners, was very soon abandoned as impracticable, and English officers were introduced into all the higher appointments.[2] It may be argued, it has been argued

(1) [Ed.] Two Commissioners were appointed, the Senior by the Governor-General, and the Junior by the Governor of Madras; and they were assisted in financial matters by the Dewan who was to be allowed as much power as he had under the Maharajah. The Commission was under the Government of Madras till June 1832; and it was instructed by the latter to study the system outlined by Wilks in his report of 1804 and to follow the methods of the Dewan Purnayya. The Madras Secret Consultation of October 4, 1831, indicated the lines on which the Commission should proceed with the work of administration in the following words:—"In the execution of a measure of this description, His Lordship would do as little violence as possible to existing establishments and institutions and merely appoint a Commission of experienced officers, to assume the Rajah's place in the administration making it an introduction to them to conduct the affairs with the same, at least the same, description of officers as they might find in employment and reforming the abuses of the system gradually as experience in the course of business might suggest."

(2) [Ed.] The Senior Commissioner was empowered to overrule, by means of a casting vote, his colleague on every point; and it was soon found that a Board of two Commissioners who frequently differed from each other, was "an agency ill-adapted for the organisation of a proper system of Government." Colonel J. Briggs the first Senior Commissioner, soon found that he could not agree with what his junior colleague, Mr. C. M. Lushington, had done and reversed all his important decisions. Accordingly, one Commissioner was appointed for the whole administration in April 1834. But the Resident still continued to function; and thus "a dual control continued to exist."

The charge of Coorg was added to that of Mysore from 1836; and the charge of the Residency (charge of the political relations of the Rajah and his family with the British Government) was taken up from 1843. Until 1856 the Commissioner was entitled to four European assistants, the first of whom was the Secretary, and acted for the Commissioner during his absence from duty. The country was administered with the help of four European Superintendents, each in charge of a division which yielded a fourth of the state revenue. These were later given the assistance of European officials with varying duties, mainly judicial; and they were known as Junior Assistants. The office of Amaldar of a Taluk was the highest post open to a Mysorean. The Dewan's establishment was amalgamated with the Commissioner's office; and his place was taken by an official styled the Huzur Head Sheristadar and Native Assistant to the Commissioner.

L. Bowring (p. 210 of his *Eastern Experiences*, published in 1871) wrote that it would be unfair to the Raja (H. H. Chama Rajendra Udaiyar) who was then a minor

from the results of this experiment, that native agency, ot in subordinate offices, is a failure under our legal and ly system; and that all the district officers, whether be called Collectors, Deputy Commissioners, or Superi nts, and all the superior Judges, in provinces under ou ntrol, must be European.

I allow that the experiment in Mysore was a failure; but I maintain that the failure was inevitable, that the experiment of native administration in the higher ranks under British supervision has never been fairly tried, has never been allowed a fair chance of success there or elsewhere.

In Mysore we tried to work our civilised machinery, requiring punctuality, patience and assiduous attention, and presupposing the equality of all before the law, with the instruments we found to our hand, with the old set of proud, indolent, corrupt and uneducated native officials. We tried to keep a complex and delicate engine at work with unskilled labour. For example, the weakest point of the Mysore administration under General Cubbon, was notoriously the judicial department. The highest Court of Justice, the Hoozoor Adawlut,[1] consisting

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under the guardianship of Colonel G. B. Malleson, "to carry on the Government of the country at high pressure, that is, with a great preponderance of English officers till the last moment, and then to withdraw suddenly." He was Chief Commissioner from 1862 to 1870 and provided for a more extensive employment of Indian agency in the administration than before, placing two districts under Indian Deputy Superintendents and appointing Indians to many important judicial and other offices.

(1) [Ed.] The position of the Huzur Adalat was anomalous. It heard all appeals from the subordinate native courts and also suits referred to it by the Judicial Commissioner who heard appeals from its decisions and those of the Superintendents. Its three judges had equal status, but received unequal pay, *viz.*, Rs. 600, Rs. 500 and Rs. 400 respectively. The judges had no collective responsibility for any of their decisions and disposed; on an average, according to Ricketts, 68 civil cases, original and appeal, and 2 criminal trials per aunum. Cubbon was of the opinion that the court had worked well and that he should much regret to see this tribunal abolished. He wrote:—"On the formation of the Mysore Commission, it was specially laid down thst the administration should be so conducted as to be in a position at any time to be restored into the hands of the Native Prince. With such a possible contingency before me, it seemed absolutely necessary to form and retain a bench of native judges, inbued with European notions of equity and the general principles of the laws of evidence. In my opinion the experiment has been a very interesting one and has worked well...Besides, the abolition of the Huzoor Adawlet could not fail to strengthern an apprehension which is gaining ground daily that an intention exists to exclude natives hereafter from high employment, in order to substitute Europeans in their place". This was Cubbon's comment on the

of three native judges, which sits at Bangalore, and from which an appeal lies to the Commissioner only on special grounds, has never borne a high character in any sense of the expression. The judges are very badly paid, considering that this is the Court of Appeal for the Principality, the senior receiving only six hundred rupees a month;[1] they have not received what we should consider at the Presidency either a good general education or any sufficient legal training. They are merely old men who have had a long practical experience of the primitive law and rude procedure, slightly modified since the appointment of the Mysore Commission, which have been handed down by tradition from ancient times.[2]

No attempt seems ever to have been made to obtain men of English education, judicial training and established character, for such offices. And yet the remedy was not far to seek or of difficult application. If liberal salaries had been offered (and the revenue

proposal of Ricketts to abolish this Court, in his *Report* (of the Commissioner for the Revision of Salaries of Civil Establishments throughout India-1858.) (vide K. N. V. Sastri. *The Administration of Mysore under Sir Mark Cubbon (1834-1861) pp. 177-8.*)

(1) £ 700|- per annum.

(2) [Ed.] "The real contrast was between the local, irresponsible and egoistic element on the one side, and the foreign, responsible and disinterested on the other, between laxity and discipline, but not between members of two different races." This conclusion of Mr. K. N. V. Sastri (p. 154 of his *The Administration of Mysore under Sir Mark Cubbon* 1834-1861.) is supported by the high reputation which was achieved by contemporary Indian officials and statesmen elsewhere, like Raja Sir T. Madhava Rao and Raja Sir Dinkar Rao.

The wholesale importation of men from Madras and Bombay was not popular nor wise; and Cubbon had to employ the local officials, however defective, in the hope of their gradual improvement. Cubbon himself entertained a very good opinion of the First Judge of Huzur Adalat and his successor, at the time when Ricketts made his report (Seshagiri Rao and Ramaswami Iyah) and wrote that they "have done honour to the native name by their learning, acuteness and integrity."

Even at the beginning of his Commissionership, Cubbon had a remarkable Indian Assistant, his first Huzur Head Sheristadar, by name Rai-Raaya-Rai Kollam Venkat Rao, who was the father of the equally remarkable statesman, Diwan Bahadur R. Raghunatha Rao. Venkat Rao was assistant to the Commissioner from 1834 to 1838, when he went over to Travancore as its Diwan, and again came back to his office in 1840. General Fraser desired from Cubbon the loan of the services of Venkat Rao for the State of Hyderabad of which he was then the Resident; and he intended to retire Maharaja Chandu Lal from the Ministership at the Nizam's Court and secure the nomination of Venkat Rao as his successor. "It was after conversing with him for an hour or two that Lord William Bentinck remarked it was such men who might be placed with advantage in the Supreme Council of India" (*Memoirs and Correspondence of General J. S. Fraser* by Col. Hastings Fraser pp. 153 *et seq.*)

of Mysore could easily have borne the charge), competent judges could have been brought from Calcutta, Bombay, or Madras, who would soon have worked a reform both in the principles and practice of the judicial department, would have made the bench of the Mysore Hoozoor Adawlut respected, and would have raised at once the reputation of native judges, and of English rulers. But no one thought of turning to such men for assistance. No one thought of finding an appointment for any one who was not an English gentleman, a "covenanted" Civilian, an Ensign, a Lieutenant, or a Captain. Is this lust of patronage, is this proscription of native talent, to continue for ever?[1]

As our Government improves, and gains the confidence and adherence of the people; as railway communications become perfected throughout India; our provocations and our obligations to interfere with the administration of native States will be multiplied. We must retain our right to interfere and to dictate, wherever it already exists; but in order to be able to use it with effect, and without moral disturbance, we must establish a character for disinterested and liberal motives; we must dispel by the practical logic of facts the popular belief that we are determined not only to allow the natives no share or voice in the government of our own provinces, and to exclude them from all high and lucrative office, but also to narrow and diminish as much as possible their legitimate prospects and honourable career in native States. We should have natives of our own training planted everywhere throughout

(1) [Ed.] Cubbon, in spite of his protestations for encouraging native talent, had again and again to request the Government of India for a more liberal supply of European assistants, "to be employed only until the local supply was sufficient". Thus the total number of European assistants to the Commissioner had more than doubled between 1834 and 1857. In the latter year Cubbon urged the appointment of one more European officer and got it. "The possibility of restoration probably played some part in limiting the appointment of European Officers. It also raised difficulties in the Indian element." Even Bowring declared, as late as 1868, that "under such a system, had the European Officers upon whose energy and ability the whole fabric rested, been suddenly removed and had the administration been then (when the possibility of restoration was not yet a certainty) restored to native rule, the whole structure would have collapsed atonce and the former 'Moghalai' would have become again rampant."

India by our special care and influence, to work with us and for us. The tendency of our overwhelming supremacy up to the present day has been the very reverse of this. Our annexations and commissions have swept whole tribes of high functionaries, replacing them by English officers, while our political agents at the foreign courts of India, far from exerting their great influence in favour of educated natives, have more frequently thrown obstacles in their way. Madava Rao[1] is, I believe, the solitary instance of a Hindoo brought up at a Presidency College attaining to the rank of Minister; and I rather think he owed his elevation to the Royal Family of Travancore, and not to the Resident's recommendation.

The Residents at Nagpore[1] never relinquished or slackened that firm grasp over the administration of that country which was bequeathed to them by Sir Richard Jenkins; but they never introduced, or attempted to introduce, a single enlightened and able native into any department of the Government. Several of them jobbed freely for their own dependents, especially just before their departure; each one was ready enough to force his own particular measure down the throats of the Rajah and his advisers, or to insist on the immediate settlement of his own pet case of grievance; and the Rajah seldom resisted for any length

(1) The present Dewan of the Travancore State. Additional note. [Ed.] Madhava Rao was born in 1828 and was educated at the High School of the Madras University (subsequently known as the Presidency College) by Mr. E. B. Powell, for whom he acted for some time as Professor of Mathematics and Natural Philosophy. He was first appointed as the English tutor to the [Princes of Travancore and then rose to be the Assistant Dewan of that State and subsequently became its Dewan in 1858 and held that high office for 14 years. He was himself the son of one and the nephew of another of the Dewans of Travancore.

When Dewan Krishna Rao died, the senior Dewan Peshkar, Raman Menon, who had a moral right to the Dewanship, expected the offer of the office: General Cullen, the Resident, was also inclined to view his claims favourably. But the Maharaja and his nephew who succeeded him, favoured the claims of Madhava Rao and appointed him Dewan (January 1858)—P. S. Menon's *A History of Travancore* (1878) p. 491.

(1) [Ed.]. Sir Richard Jenkins superintended and administered every department of the state, through officers appointed by himself, from 1817 to 1826, though the young Maharaja, Raghuji III, was placed under the care of Rani Banka Bai, widow of Raghuji 11. In 1880, during the Residentship of Mr. R. Cavendish, the Rajah was permitted to assume the actual government, which went on in the old groove for the remaining portion of his reign. In this period the leading Maratha families of Gujar, Ahir Rao, Chitnavis, Upadhe and Deshmukhs of Umser, were all comparatively thrust into the background.

of time: but not one of them ever thought of strengthening the native administration by bringing a well educated and trained native judge or financier from Calcutta or Madras. They would have rejected the notion, if it had ever been proposed to them, with something like scorn and pity at the proposer's ignorance of "political" affairs. They had no wish to make the Rajah's weak government and loose administration, so strong, so wise, so regular and compact as to render the Resident's interference unfrequent or unnecessary.

The same story must be told of our Residents at Hyderabad. There, undoubtedly, our influence has at no time been so oppressive, our surveillance so incessant, as it was at Nagpore. But we have never lost any opportunity of recommending European Agency, and our recommendations have not been fruitless. Besides the introduction by our influence of well-paid Thuggee appointments for English officers,[1] many little occasional jobs of surveying, road-making, geologising, and so forth, have in this and several other native States, been devised by Residents for their relations and friends. The *quondam* Nizam's Army, which has now by the treaties of

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(1) [Ed.]. Sir Charles Metcalfe, (1820-25) placed European officers as superintendents in the different districts with charge of the supervision of the revenue assessments and police. The Nizam, Nasir-ud-Daula (1829-57), requested the Governor-General, soon after his succession, to discontinue the system of supervision introduced by Metcalfe.

The famous Colonel Meadows Taylor (1808-1876) first entered service as a commissioned officer in the Nizam's Contingent and remained throughout his career (1824-60) as an officer of the Nizam. He married a daughter of William Palmer of the firm of Palmer & Co., and served in India till 1860. He was in charge of the State of Shorapur during a long minority and kept the Buldana district, in North Berar, quiet during the Mutiny. He was a great favourite of the Resident, Colonel Fraser (1838-1853). (*The Story of My Life*, by Colonel Meadows Taylor, edited by his daughter, 2 Vols.; 1877).

According to the treaty of 1837 with the Nawab Vizier of Oudh, (not however ratified by the Directors), the British Government reserved the right of appointing its own officers to the management of portions of Oudh territory, according to its discretion. Mr. Hilton, in his *Guide to Lucknow* (1915), cites a passage giving the names of the five European associates of H. M. Nasir-ud-din Haidar of Oudh, *viz.*, the barber (de Russett), the tutor (Wright), the painter and musician (Mantz), the librarian (Croupley); and Captain Magness. The Nawab placed unlimited confidence in the barber who was the subject of bitter attacks by the Calcutta press.

1853 and 1860 become a permanent Contingent Force [1] at the disposal of our Government, was in its origin nothing but a gigantic Resident's job, all the patronage of which was for years in his hands, and which, though connived at by us, and endured by the Nizam under persuasion and misrepresentation, was not officially recognised by either Government. During nearly the whole reign of Secunder Jah, and until the accession of the present Nizam's father, Nasir-ood-dowla, who insisted on their removal, a great part of the Hyderabad dominions was managed by European Superintendents, who collected the revenue, and had extensive magisterial and judicial functions,[2]

(1) The nucleus of the Hyderabad Contingent was Russell's Brigade, which was a part of the Nizam's forces, organised on the British Indian model by the Resident, Sir Henry Russell, during the Pindari War (1817). They were definitely superior to the raw and ill-paid levies of the Nizam. The Hyderabad Contingent was kept up and disciplined by the British Resident at the Nizam's expense.

By the treaty of 1860 the Contingent was to consist of not less than 5,000 infantry, 2,000 cavalry and 4 field-batteries of artillery; and its maintenance was guaranteed by cession of territory.

There were, besides the Diwani troops, the troops under the Nizam's own command, known as the Sarf-i-Khas force, and the Pagah troops or body-guard under the Amir Kabir, a body of 2,500 Reformed troops which were disciplined and drilled under European and Eurasian officers, and miscellaneous troops termed Line-Wallahs, including the Kinglass Corps commanded by the descendants of an Englishman of that name and Joseph Cordoza Corps most of which were officered by Europeans and Eurasians.

(2) [Ed.] See *supra* note on p. 34 In 1830, Indian supervisors called Amins were substituted for them and they had to be withdrawn in 1840 as unfit for their purpose. The new Nizam, Naisr-ud-Daula, consented to have a revision in the style of correspondence between him and the Governor-General. "The imperial phrase, "*Mabu Dowlat*" or royal self, used by the Nizam, and the term of inferiority, 'Nayar nund,' used by the Governor-General, were discontinued, and the correspondence of the parties has since been conducted on a footing of perfect equality." (Captain Hastings Fraser's *Our Faithful Ally, the Nizam*, p. 235). Lord William Bentinck adopted a policy of strict non-interference, in regard to the Court of Hyderabad, subsequent to the accession of Nasir-ud-Daula; and he instructed the Resident to relieve the Superintendents of their duties. In 1835, however, the Directors issued a despatch in which they warned the Nizam that they would change the Minister (Chandu Lal) and enforce the adoption of other arrangements for securing proper government. The Minister agreed that the British Government should nominate officers to superintend the judicial administration or appoint natives of rank and respectability to furnish the Resident direct with periodical reports of the conduct of the Talukdars (district officers); but the Nizam would not consent to this arrangement and appointed only *amins* to act as confidential servants of Government, as a check on the revenue officers. But the system did not prove efficient.

very similar to those exercised by the Superintendents[1] in the Mysore Commission.

In short, the task of improving the official body might not have been so easy at Hyderabad as at Nagpore or Sattara, but if our Government and its diplomatic representatives had been half as anxious to see a few of the best qualified natives of the Presidency towns,—men familiar with our literature and science, and imbued with our principles of law and justice,—worthily placed in the administration of native States, as they have always been to provide good appointments everywhere for English genlemen, it could have been done without great difficulty, and on a very extensive scale.

For instance, within the last three years the present able and accomplished Resident at Hyderabad[2] has very kindly and charitably recommended two recently cashiered English officers for employment as Captains in the Minister's Body-guard,[3] and his recommendations in both cases were successful. If he or any

(1) There were at first four European Superintendents under the Mysore Commission, each in charge of a division. They were later given the assistance of European officials with varying duties, chiefly judicial, and, in cases, the civil charge of a few talukas. The establishment of a Superintendent consisted of four main branches, *viz*; daftar or accounts, English, maramat or tank repairs, and magisterial, besides minor sections, *viz*; kotal, confidential; firiyad or complaints; revenue, judicial, sayer, khazana or treasury, anche or posts, and jails. The Superintendent was judge, magistrate and collector rolled into one; and he was responsible only to the Commissioner.

(2) Colonel Cuthbert Davidson, C. B. since deceased.

(3) [Ed.]. The Minister's or Dewani Troops grew up in various ways. It contained an Arab element, composed of mercenaries thrown out of service by the destruction of the neighbouring Maratha states, and a body of Sikhs, both of whom were fostered by the policy of Raja Chandu Lal, Minister between 1820 and 1845. Then there were the Muhammadan bravos and adventurers from Oudh, Sind and Baluchistan and the miscellaneous troops termed Line-wallahs and also the *Mansabdars* or retainers who received a stipend on condition of rendering military service, whenever required. The Dewan's troops numbered altogether about 31,000 in 1867 or 26,000 infantry, and 5,000 cavalry—being made up of Arabs, 6,000, Sikhs 1,000, Rohillas 2,000. Line-wallahs, 1500 and Mansabdars, 2,000. (Sir Richard Temple's *Journals kept in Hyderabad, Kashmir, Sikkin and Nepal.*—Vol. 1; p. 19 of Introduction); and Captain H. Fraser's *Our Faithful Ally, the Nizam* (pp. 343-44). Colonel Davidson was Resident from 1857 to 1862, tided affairs safely through the crisis of the Mutiny and gave unqualified support to the Minister, Sir Salar Jang. Captain Sydenham, Resident at Hyderabad (1805-10), was a good friend of the Minister, Mir Alam Bahadur, and mixed himself up so much with local politics that he was censured and had to resign. Then came Sir Henry Russell (1810-20) who was a consistent supporter of the minister, Chandu Lal, in whom he could never see any serious fault. The next Resident was Sir Charles Metcalfe (1820-25) whose attempts to pull down the influence of the European banking firm of Palmer & Co., and to reform the administration are well-known.

of his predecessors had taken as much, or a little more trouble, and exercised a little more persuasion to lay the foundation of a reform in the courts of justice by importing two or three trained judges selected from our principal Sudder Ameens,[1] or from the most eminent Vakeels[2] at Calcutta and Bombay, he would equally have succeeded, and a great step would have been gained.

But notwithstanding the ability and skill of our representative at Hyderabad, and those good intentions towards the Nizam's Government for which I give him full credit, I suspect that in common with almost all our officials of the old school, those who at present occupy the most important places, he would consider any reform to be dearly purchased by any measure that should render the native Prince and his ministers less dependent upon the Resident[3] for information, less amenable to his

General Fraser, Resident, (1835-1853) was "the most out-spoken in his censure of the terrible mis-government that afflicted the state." Sir George Yule spared no pains to keep the Minister, Salar Jang in office, much against the wishes of the Nizam; and he advised his successor, Sir Richard Temple, to support the Minister against the pressure that might be put on him by the Mughalai (palace) party, which would not, for long, forgive, even Sir Charles Metcalfe "for setting European officers to watch over their mis-doings." When Salar Jang was Minister, the Nizam could never forego jealousy of him, which was due largely to the impression that he sought to be fortified by the Resident's support in all his measures. Sir George Yule put pressure on the Nizam to become reconciled to his Minister and to remove his own adviser, Lashkar Jang, who was the medium of communication between Sir Salar Jang and his master. His successor, Sir Richard Temple, effected certain important reforms in the Zillah administration.

(1) [Ed.] Sudder Amin was the title of a class of native Civil Judges, who had civil jurisdiction in Madras to the extent of Rs. 2,500 and criminal jurisdiction in referred cases. (Reg. iii; 1833; vii, viii, 1827; Act xxiv, 1836). The Sudder Amin and the Principal Sudder Amin were the highest Indian officials under the Government from the time of the Cornwallis Code till the Charter of 1833. The Directors occasionally pressed for an extended use of the Indian agency; and in 1836, the Principal Sudder Amin was created to serve as an auxiliary to the District Judge. By India Act III of 1873, the Principal Sudder Amin became the Subordinate Judge with civil jurisdiction similar to that of the District Judge.

(2) [Ed.] Vakils like the illustrious Prosanna Kumar Tagore of Calcutta and V. Sadagopacharlu of Madras.

(3) [Ed.] "The Politicals are a Greek chorus in our popular burlesque, 'Empire'. The Foreign Secretary is the prompter. The company is composed of Nawabs and Rajahs (with the Duke of Buckingham as a super').........The Secretary of State with his Council is in the stage-box; the House of Commons in the stalls; the London press in the gallery; the East Indian Association, Exeter Hall, Professor Fawcett, Mr. Hyndman and the criminal classes generally, in the pit ....As we enter the theatre, a dozen chiefs are dancing in the ballet to express their joy at the termination of the Afghan War. The political *choreutæ* are clapping their hands, encouraging them by name and pointing them out to the gallery." This exaggerated serio-comic picture of the Political Agents and their hold over the Princes is from G. Aberigh-Mackay's *Twenty-one Days in India, being the Tour of Sir Ali Baba, K. C. B.* (1880)

authoritative suggestions. I suspect that he, and most of his compeers at other Courts, would be terribly jealous and impatient of educated and enlightened natives. The fact is, that according to the accepted traditional language of our Indian political officers, all consultations at a native Court to which the Resident is not privy, and of which he has not expressed his approval, are called "intrigues". Every man, whatever his rank may be, who has access to the Prince or the Minister, and who is supposed to have an opinion of his own, or to give advice contrary to that of the Resident, is said to be "a man of an intriguing and turbulent disposition." The frequency of such irregular consultations, the disturbing action of such interloping individuals, would be incalculably increased by placing Hindoos or Mahomedans, brought up and trained in a British atmosphere of legal order and social freedom, [1] in a position where they could make themselves heard by the rulers of a native Principality. An old fashioned Resident would shudder at the mere supposition that the advice of natives might be asked instead of his, perhaps accepted and acted on in preference to his; and that reliance might be placed on their experience of Presidency affairs, and their knowledge of our laws and system of Government, which ought to have depended only on his assurances and instructions. An impression, not the less strong for being vague and unreasonable, would be fixed in the old gentleman's mind, that such partial independence of his advice, and freedom from his dictation, must be injurious to British power and influence. He would feel that his occupation was gone.

(1) [Ed.] Sir Richard Temple writing in his *India in* 1880, thus remarks on the integrity and the rectitude of the Indian officials:—"In the first place, a due and proper standard of rectitude among the Native officials of the upper and middle grade has been obtained...One cause of the moral improvement, now perceptible, springs from the better organisation of the public service........Another and a higher cause of the improvement is traceable to the influences of Western education, the moral teaching imparted by European culture, the practical ideas of duty thereby infused, the virtuous principles thus instilled, the companionship of English instructors and the association with them in the daily life at school or college It is to these two main causes that the Natives themselves attribute the amelioration which is happily seen." (pp. 122-123.)

One prevailing idea hitherto among our governing and official classes has been, that the establishment of English appointments throughout India in constantly increasing numbers, and the exclusion of natives from all high and independent posts, had the effect of extending and confirming the direct influence of our Government. Another prevailing idea had been that educated natives entrusted with power, and raised to dignified positions, especially in native States, would be corrupt, and disaffected, and dangerous to our supremacy. Both these ideas I believe to be fallacious; and unless they can be entirely dismissed, as the principles of executive policy, and entirely abandoned in practice, I can anticipate no progressive and permanent improvement in the administration of Mysore, or of any other native State; I can see no probable guarantee for stability and peace, whether the head of the Government is to be a Commissioner, or the Rajah advised by a Resident.[1] If men are never trusted, they will never be trustworthy.

The extension of direct administration and government by natives of English training, both in our own provinces and in the dependent Principalities, is a matter of the deepest importance and of the most pressing necessity; and upon it depends the acceptance of European principles of law and society, and of English education in the broadest sense throughout India. The permanence and the glory of our Empire are indissolubly and inextricably bound up with this great act of justice. Its commencement has been deferred too long. We have perhaps never before had so good an opportunity of inaugurating a generous policy, as the reorganisation of the Mysore

(1) [Ed.] In the case of Mysore, the Governor-General had actually instructed the Madras Government, on the assumption of the administration, that "the agency under the Commissioners should be exclusively native." The Directors, in their letter dated 25th September, 1835, stated that they were desirous of adhering to the native usage and not to introduce a system which cannot be worked hereafter by native agency." Cubben desired the employment of intelligent and educated Indians; he started a central English school at Bangalore, in order to train men to be fit eventually for responsible posts under Government.

Government[1] now offers, and if it is allowed to pass away, another may not soon be presented.

I have always been among those who maintain that the very fact of our enormous power, and virtual supremacy over the native States of India, ought to make us even more scrupulous of imposing distasteful measures and new engagements upon them, and more liberal in our construction of their rights and claims under existing treaties, than we should be in dealing with States of greater pretensions, and of more independent position. My objection to the policy of our Government during the last thirty years, pushed to a climax of intensity under Lord Dalhousie, is that it has been the policy of an aggressive and absorbing *Kingdom*, rather than that of a controlling and protective *Empire*. We have aimed more at extending our boundaries than our laws and customs more at enlarging our possessions than our moral influence.

But I am far from being of opinion that our power, and the duty arising naturally out of that power, should be timidly used in controlling and superintending the government of native States. I should rather complain that it has not been used sufficiently, and not in the most effectual and acceptable manner and direction.

I consider a treaty between two Sovereigns,—as I do a constitution as between Sovereign and people, whether the one or the other be freely granted, or extorted, or amicably concluded,—to be a most solemn and sacred instrument, with which neither party can play fast and loose. A strong Government cannot, without overturning the first principles of international law, cede, confer, or restore a country to a weak and dependent

(1) [Ed.] The Regulation system was introduced in Mysore in the place of the Non-Regulation system in 1862; the State was divided into 3 Divisions each under a Superintendent with enlarged powers, and 8 districts, each in charge of a Deputy Superintendent aided by Assistant Superintendents. The finance department was also re-organised; the Indian budget system of audit and accounts was introduced; and surplus revenue was no longer hoarded. In 1863 was commenced a new revenue survey and settlement; and an Inam Commission was also instituted. These were in accordance with the Bombay system, in preference to that of Madras.

Government as a free gift, and then at any subsequent period on any convenient plea, claim the right of cancelling the gift and resuming the country.[1] I believe that the Rajah of Mysore has certain rights under the treaty of 1799, among others that of adopting a son according to Hindoo Law; but I believe that the people of Mysore have rights also, and that the British Government has Imperial duties to perform both towards—Sovereign and people.[2]

My opinion is that the exclusive administration of Mysore in all the higher and many secondary appointments by English officers, should be much diminished, and the substitution of educated and trained natives as Judges and Superintendents of districts, commenced as soon, and effected with such gradual degrees, as may be consistent with the permanence of all that is good in the existing system, and the reform of all that is bad—; and there are many bad points in it.—but I conceive that this change might be effected, and that the Rajah might be made somewhat less of a cypher, and somewhat more of a Sovereign.[3]

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(1) [Ed.] The Governor-General's reply to the letter of the Maharaja of Mysore dated 5th May, 1865, in answer to an intimation of his intention to appeal to Queen Victoria for his restoration, definitely and categorically re-asserted the recorded opinion of Lord Canning that the Maharaja's tenure of the Mysore country "was not derived from ancestral claims, nor from hereditary rights, but from the free gift of the British Government."

(2) [Ed.] Lord Mayo, addressing an assemblage of Rajput princes, enunciated the general principles of the policy that the Government had accepted for the guidance of its conduct towards the Indian States:—

"If we support you in your power, we expect in return good government. We demand that every where........justice and order shall prevail; that everyman's property shall be secure; that the traveller shall come and go in safety; that the cultivator shall enjoy the fruits of his labour and the trader, the products of his commerce; that you shall make roads and undertake the construction of those works of irrigation which will improve the condition of the people and swell the revenues of your states; that you shall encourage education and provide for the relief of the sick." In the period 1858-1890, the people of the States looked to the Paramount Power to keep their Princes alive to their responsibilities as rulers. After 1890, a system of education designed to fit Princes for their duties of rule was introduced and the effective control over their states begen to relaxed, and replaced by the idea of intervention only in case of gross and continuous misrule.

(3) [Ed.] Major Bell did much useful service in the Mysore cause. According to *the Saturday Review* (2nd March, 1867), Major Bell urged on public grounds, the restoration of the dynasty and since his retirement from service, acted as the avowed agent or advocate of the Rajah. "His work for Mysore will be long remembered as it was done willingly and in what he described as the conscientious discharge of public duty." (See *Mysore Reversion: an Exceptional Case (186)* and *Remarks on the Mysore Blue Book (188)*.

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without that absolute power being placed in his hands which he is said to have misused between 1820 and 1830.

The Rajah is entirely in the hands of the Supreme Government. If, instead of a new Commissioner,[1] a well selected Resident, acting under wise and generous instructions, were to be sent to Mysore as the Rajah's Prime Minister, and, above all other conditions if the Rajah by a solemn and public instrument were to abdicate for himself and his successors all judicial power, original and appellate, which should be confided entirely to skilled and learned judges of high rank and emolument, removable only on proved misconduct, there need be no fear of the result. If the Resident, guided and supported by our Government, were to devote his energies to the cautious and gradual introduction of a native official body, and of a Council of State to revise the fundamental laws and to control the finances, the Rajah or his successor would in a few years become a constitutional Monarch, and would exercise only those executive functions to which so many Monarchs of Europe have learned, or have been compelled, to confine themselves.

This is a mere outline of the measures to which I should wish to see our foreign policy directed, not only in Mysore, but in every native State in India. This in my opinion would be at once an Imperial and a national work, a policy at once reforming and conservative, controlling and conciliatory. This would solve the mystery of reconciling our material and moral superiority with the inherent rights and legitimate aspirations of the people of India, and of extirpating their most conspicuous evils and miseries by native and natural means, instead of merely suppressing their outward manifestation by foreign, artificial, and repulsive methods. The native cure alone is radical.

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(1) [Ed.] At this time, Sir Mark Cubbon had resigned definitely; he had left for home, dying on the voyage at Suez (in April 1861); he had handed over charge to Mr. C. B Saunders, the Judicial Commissioner, who conducted the administration, till the arrival, in February 1862, of the new Commissioner, Mr. L. B. Bowring, a distinguished member of the Bengal Civil Service, who had served in the Punjab Commission and subsequently as the Private Secretary to Lord Canning.

LETTER XVI.

REINFORCEMENT AND RECONCILIATION.

Madras, *May 16th*, 1861.

The writer of these letters is not a native; his interests, his natural tastes and predilections, his life-long sympathies and daily associations, are all intimately and indissolubly bound up with "the services" and with "home." Yet I find myself impelled by motives of duty to write in favour of what are commonly supposed to be purely native interests, and especially to advocate a much more extended employment of educated natives in the higher branches of the public service, and their introduction through British influence into places of rank and power in the allied and tributary States. The truth is that I do not consider it either as a matter of purely native interest, or simply as a question of justice to natives. I do not think that any Indian question can be viewed in a true light, unless India is regarded as an important constituent part of the British Empire, and not as a conquered country, and a mere dependency upon England; unless the Hindoos and Mahomedans of India are regarded as British subjects, with all the rights, immunties, and privileges of their European fellows at home and abroad.

What are the rights of a British subject with reference to the legitimate objects of human ambition,—rank and power, and public influence, and weight in the national councils? No man, no member of a class in Great Britain, has an inherent right to be a voter, or a vestryman, a justice of the peace, an alderman, or a Lord Lieutenant,—in short to hold any office, or to enjoy any honour or emolument, which is unattainable by other classes. No class is specially entitled by birth; no race is excluded; but certain qualifications of property or education are demanded. This

statement is quite unaffected by the fact of our hereditary peerage; because the restriction of its privileges to the eldest son, prevents it from becoming an exclusive caste; and its ranks, far from being closed to the people, are incessantly recruited by meritorious and distinguished persons who have sprung from the middle classes. Any man may rise to the peerage, *if he can.*

We may also leave out of consideration the two or three great offices of State to which Roman Catholics are still by statute ineligible, because no one now attempts to uphold these restrictions on principle; and although they are still cherished as the land-marks of Protestant ascendancy,[1] nobody in the House of Commons defends their existence with any serious conviction but Mr. Spooner and Mr. Whalley; they are not oppressive, but merely anomalous and offensive; aud no one doubts that they will disappear some day without any noticeable discussion or struggle, and that no practical result will follow their disappearance.

Besides the rights of open tribunals, freedom of petition, of speech and of the press, the inviolable domicile, and the responsibility of public functionaries to the law,—rights which, the two last in particular, can scarcely be said to exist in any European State except our own, but which we have, practically in the Presidency towns[2] and professedly all over India, bestowed

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(1) [Ed.] Roman Catholics were debared from the offices of Regent, Lord Chancellor in England and Ireland and Lord Lieutenant of Ireland. The abolition of all religious tests for entrance into or participation in the benefits of the Universities was finally effected by Parliament only in 1871. Jews were admitted to corporations in 1845; but in 1850, Baron Nathan de Rothschild, elected for the constituency of the City of London in 1847, was refused by the Commons permission to take the oaths with the omission of the words, "the true faith of a Christian." Parliament only allowed grudgingly the entrance of Jews. In 1860 the Commons adopted a standing order permitting a Jew to take the oath with the necessary omission. It was only in 1866 that a new form of oath was introduced by which Jewish membership of Parliament came to be fully recognised.

(2) [Ed.] All the body of English statute law existing then was regarded as being applicable to the Presidency towns by George I's charter of 1726, establishing the Mayor's Court. Sir James Stephen inclines to the opinion that "English criminal law was originally introduced to some extent by the charter of 1661, but that the later charters of 1726, 1753 and 1774 must be regarded as acts of legislative authority, whereby it was reintroduced on three successive occasions, as it stood at the three dates mentioned". According to the first view, British statutes passed after the charter of 1726, did not apply to India unless expressly or by necessary implication extended to it. (C. P. Ilbert's *Government of India*; 3rd edition p. 33).

upon the natives,—there is still one right, denied to no one born in the British Isles,—the right of free access to all the legitimate objects of a citizen's ambition, to the honours and prizes of the Empire,—which is closed to Indian British subjects, and which, in their own country at least, ought to be unreservedly opened to them.

It is very true that there is no legal obstacle to the appointment of natives to the highest posts. There are no such insulting and galling restrictions against the advancement of "Turks and heathens," as formerly existed in Great Britain and Ireland in the penal laws against Jews and Roman Catholics. On the contrary, long before the gracious promises of the Queen's Proclamation, it was expressly enacted in the 87th clause of the Act of William IV, 1833, that no person "shall by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, office or employment." [1]

But, speaking candidly, we all know that practically this has been of no avail, and that natives are deliberately and systematically excluded from numerous appointments for which they are perfectly competent, solely on account of their "birth," "colour", and "religion." The greater number of appointments in the pos-

Every official in England from the Prime Minister downwards, is under the same responsibility for every act done without legal justification as any other citizen. There are numerous instances where officials have been brought before the courts and made, in their personal capacity, liable to punishment, or to the payment of damages, for acts done in their official character, but in excess of their lawful authority." Officials, civil or military, are "as responsible for any act which the law does not authorise as is any private and unofficial person." A soldier is subject to laws which do not affect the rest of the nation, but is not exempt from the duties of an ordinary citizen. In continental countries like France, even at the present time, officials are "exempt, to some extent, from the ordinary law of the land and protected from the jurisdiction of ordinary tribunals and subject in certain respects only to official law administered by official bodies" (see Dicey : *Law of the Constitution*, Chh. IV and XII.)

(1) [Ed.] Sir C. P. Ilbert says of this clause of the Charter Act of 1833 that "the policy of freely admitting natives of India to a share in the administration of the country has never been more broadly or emphatically enunciated." (See also the comment on this clause in the despatch of the Directors, of December 10, 1834).

According to 33 and 34 Vict. C. 3. S. 6., the authorities in India might appoint to an office in the Indian Civil Service, "any native of India of proved merit and ability" subject to rules prescribed by the Governor-General in Council and sanctioned by the Secretary of State in Council. The term 'native of India' has been construed as including persons born or domiciled in an Indian state.

session of the covenanted Civil Service, are still, probably for a very short time, secured to them by Act of Parliament, and no outsiders have yet been allowed to trespass on those preserves.[1] I have nothing therefore to say on that score at present. But there are other departments to which military officers and the "uncovenanted" of every race and colour, except the pure native, have been admitted. No native has been placed in charge of a district in the Non-Regulation Provinces,—the Punjaub, Nagpore, or Mysore,—or even admitted into the list as a regular Assistant Commissioner. Though frequently invested with the same powers, and engaged in the same duties as the English officers, the native officials, with some of the less favoured of the uncovenanted, are always separately classified under some inferior designation, such as that of Extra Assistant, and thus kept out of the line of promotion. And thus in the Regulation Provinces there is a District list of Deputy Collectors and Sudder Ameens, with subordinate functions, undefined rank, and circumscribed prospects.

And if it were now to be proposed to make a native the Superintendent of a District in Mysore; or, at some future period, when the privileges of the close Civil Service are abolished, if there should be any rumour of a native being raised to the position of a Sessions Judge, or of a Collector, no one who knows the traditional prejudices, the general tone and temper of the official class, can doubt that the strongest opposition would be offered, the most vigorous objections made, not on account of want of qualifications, not on the ground of defects of character, but

1. Nearly all the appointments formerly reserved for the covenanted service have been thrown open by an Act of Parliament of 1862.

Additional Note [Ed.] Under the Charter Act of 1793, rank and promotion in the Civil Service were strictly regulated by seniority; and all civil posts under the status of Councillor were reserved to the civil servants of the Presidency in which the office was held. But appointments were made for long in disregard of these restrictions. The Indian Civil Service Act of 1861 (24 and 25 Vict. C. 54) "validated all these irregular appointments in the past, but scheduled a number of appointments, which, in the future, were to be reserved to the members of the covenanted civil service." It also abolished the rule as to seniority and removed all statutory restrictions on appointments to offices not in the schedule; and it left a reserve power of appointing outsiders to the scheduled offices, under exceptional circumstances.

simply because the nominee was "a native."[1] I wish to see this exclusive and insulting prejudice practically disavowed and abandoned as speedily as possible, before that pressure commences which destroys the grace and favour of concession. I am convinced that the question of the fair participation of the higher class of educated natives in the administration and government of India will, at no distant period, if it be neglected, become the question of the day, and will assume giant proportions.[2]

It is chiefly for this reason that I hope the Governor-General will never be a man of long Indian official experience, but always a distinguished English statesman, not necessarily a Peer,—

(1) [Ed.] Sir Surendranath Banerjea was one of the earliest Indians to pass the I. C. S. competitive examination in England and belonged to the second batch of successful Indian Civilians, who included Mr. B. L. Gupta and Mr. Romesh Chandra Dutt, besides himself. The success of three Indians in one and the same year created "a profound impression upon Indian public opinion." In his book of autobiographical reminiscences (*A Nation in the Making*, 1925), Sir Surendranath tells us that his success was the cause of his official ruin; and, at any rate, he thought it largely contributed to it. He wrote thus:—"The general belief amongst my countrymen was that if I were not an Indian, I would not have been put to all this trouble; and the head and front of my offence was that I had entered the sacred preserves of the Indian Civil Service, which so far had been jealously guarded against invasion by the children of the soil."

Mr. A. O Hume, the Father of the Indian National Congress, writing in *India* (1893, *p.* 30) says thus of Surendranath's dismissal; "Almost throughout the bureaucracy, the admission of Indians within their sacred pale, was viewed with the utmost jealousy and disapproval; and this summary expulsion of one of the most distinguished of the invaders was utilised as the basis for pæans glorifying the British officials and their foresight in opposing the introduction of Indian colleagues...How far this widespread feeling had any share in bringing about the monstrous sentence upon poor Surendra, we cannot say; but certainly it did prevent a fair hearing for his appeals for justice and mercy." Mr. Hume was then (in 1874) Secretary to the Government of India and had the opportunity of seeing all the papers connected with the case. He did not dissent from most of the facts that the commission of inquiry found to be established, but differed as to the interpretation to be placed upon them.

The above is an illustration of the prejudice against the admission of the Indians into the higher services 13 years after the date of Bell's letter. See also W. S. Blunt's *India Under Ripon*.

(2) [Ed.]. The Indian Association of Calcutta formed in 1876, organised, as almost its first activity, a wide agitation to protest against the reduction of the maximum limit of age, for the I. C. S. examination, from 21 to 19 years by the orders of Lord Salisbury, the Secretary of State, which was regarded as "a deliberate attempt to blast the prospects of the Indian candidates for the examination. Mr. Lal Mohan Ghose was sent out to Britain, as the representative of the Indian Association and put in charge of the Civil Service Memorial to Parliament in 1878; and he met with an unexpected measure of success. One of the meetings which he addressed under the presidency of John Bright made such an impression that the Rules creating the Statutory Civil Service under a Statute of 1870, which had been delayed for seven years, were placed on the table of the Commons, the next day after the meeting. Agitation on this matter was a main plank for long in the Congress platform.

though I should prefer one, and even a Prince, if there were one of sufficient age and ability,—but a man used to power, used to view large questions in a large way, free from local attachments, and able to look down with perfect indifference on the petty prejudices and personal interests of the official hierarchy.[1] Lord Canning, whatever may have been his short-comings, has never failed in this respect; he has never shown any particular tenderness for the covenanted services; the tendency of his policy, and of his administrative measures, and the terms of his occasional "allocutions", have been generally high-toned, impartial and imperial. Lord Dalhousie certainly was a failure, from want of moral ballast; but even he does not form a real contradiction to the rule in the particular point now under consideration. Though tenacious of his viceregal rank and power, he was liberal and public-spirited in the disposal of his patronage, leaving many first appointments and many promotions in their own immediate Pro-vinces and departments, to the nomination of the Lieutenant-Governors, Chief Commissioners, and other high officials;[2] and he himself placed several English gentlemen from the uncovenanted ranks, in appointments which up to that time had only been filled from the Civil Service or the Army, in the Regular list of the

(1) Certainly if any one could be expected to rise superior to the failings and prejudices of his class and profession, and to contradict practically my misgivings, it would be the distinguished man (Sir John Lawrence) who has just been appointed Viceroy of India. There may be exceptions to every rule; but an exception proved in this instance, would not alter the general opinion expressed above, and in the *English in India* (p. 188—192). Nor is it probable that a highly successful completion of the next Viceregal term, would constitute according to my views, a real exception to the rule. The material, and even the moral advantages, to be expected from Sir John Lawrence's administrative skill and experience, and from the great qualities of his mind and character, might appear to me merely negative results, quite overbalanced by the loss of five precious years to the cause of Imperial revival. I would as soon look for a reform of the Church to the Bench of Bishops, or for law reform to the bench of Judges, as to a Bengal civilian and the former Chief Commissioner of the Punjaub, for those conservative reforms and restorative innovations, which must be based on national and professional self-abnegation.

(1) [Ed.] Dalhousie quietly accepted and confirmed the recommendations of John Lawrence, Chief Commissioner of the Punjab (1852-9), with regard to the appointment of Napier as Chief Engineer and of Edwardes and Becher as Commmis-sioners of the Peshawar and Hazara Divisions, though he had candidates of his own in view and had more than once met the Chief Commissioner's recommendations with what the latter himself "happily called an Imperial No." (Bosworth Smith's *Life of Lord Lawrence*—Vol. I. p. 414).

Punjaub, Nagpore and Oude Commissions, in the Magistracy, and in the Post Office.

But neither in Lord Dalhousie's nor in Lord Canning's time, has much been done for the native officials. The salaries of the native Judges are still very inadequate to their services [1] and responsibilities, and quite insufficient to induce a pleader in good practice to accept a judicial appointment. The class of Deputy Collectors and Deputy Magistrates has certainly been increased in number; but they are destined to remain Deputy Collectors and Deputy Magistrates for ever, subordinate and inferior to the youngest newly arrived covenanted Assistant or military officer, and incapable of attaining to any post where distinction may be won by original and independent action.

I have never been able to extract from any published work, or from any official paper, or to elicit from any person of Indian experience, a distinct and intelligible argument—apart from the arrogant prejudices of race and religion,—against the elevation of natives to the very highest posts for which they are qualified. [2] When religious objections are openly avowed and displayed, of course there is little scope and little necessity for discussion; we know the old intolerant babble, and we know the peculiar class who give vent to it; we know how useless it is to reason with them,—as useless as to reason with an orthodox Brahmin on his caste prejudices,—and we know how needless it is; for the party, though still retaining an extensive but declining social influence,

(1) [Ed.] The Indian Judicial Officers, called Principal Sudder Amins, Sudder Amins and Munsiffs, numbered about 600 and were paid salaries ranging from £ 120 to £ 800 per annum. The salaries were deemed by Sir George Campbell to be "very liberal allowances".

(2) [Ed.] Sir George Campbell, writing in 1852, said that native uncovenanted servants could be "more largely employed than at present." But he qualified his statement thus:—"At the same time it is not to be supposed that they are, or for many years will be, fit for higher grades than those which they now fill. They are very good and useful under active and efficient supervision, but superintendence they unquestionably require. They are now employed immediately under European heads of districts, but could not be left in independent charges." (*Modern India*—p. 292) Sir George was a fair-minded writer and said that the purity and uprightness of the uncovenanted servants had been as satisfactory as could be expected and "the native ministerial officers are a most useful set of men, a great deal too much decried by Europeans out of service who do not understand them."

is politically powerless, and does not count a single statesman of the first, or of the second, or of the third rank among its adherents.

The *Friend of India*, which has for twenty years consistently upheld a policy of fanaticism and rapacity, and is too well informed not to know how that policy has failed, how universally it is now reprobated in high places, and how impossible it is that it should ever be revived, occasionally sounds its old war cries with spiteful but hopeless pertinacity.[1] A short time ago I pointed out the *Friend*'s extraordinary craze that Christianity would prevent rebellion, and render large armies unnecessary,[2] the Utopian nature of which pretty theory is abundantly illustrated in the history of Christian Europe during the last three hundred years. In its issue of the 2nd May, the *Friend* declares that it cannot see any "reason why a Christian people like the English should give equal rights to Asiatic idolators." Now, all these one can understand: it is absurd and silly, but it is not new, or unnatural, or unintelligible. We know that spirit, whence it comes; we have marked it in every era of humanity. It is happily dying out in Europe, except among the Ultramontanes and Ultra-Puritans, both of them impotent parties; but we expect it from the *Record*, the *Friend of India*, and *Exeter Hall*[3] in general, and we can afford to let it pass unmolested to oblivion.

But what I do not understand is that the same result,—that of postponing indefinitely the practical admission of the natives of India to equal rights with their British fellow-subjects,—is arrived at by so many persons whose political professions are liberal and who are certainly not blinded by fanatical arrogance;

(1) [Ed.] Sir Herbert Edwardes, one of the heroes of the Lawrence School, put forward a famous memorandum after the Mutiny demanding that "the Administration purge itself of all unchristian elements." He openly declared that the element of Christianity, to the extent to which it existed in India in 1857, was an element of strength in the crisis of the Mutiny and that "an open Bible" was a safe and expedient policy to the Government. (*Memorials of Sir Herbert Edwardes* by his wife—Vol. II; Ch. VI.)

(2) Ante, p. 7.

(3) [Ed.] Building in the Strand, London, used for religious and philanthropic meetings held in May usually.

and my great difficulty, hitherto insurmountable, has always been to extract a clear statement of their objection, which generally seems to consist of a vague sensation that any substantial influence and power gained by natives, even in the ranks of our administration, would be a loss and a weakness to Government. This I believe to be a complete delusion, a desperate political heresy, which, if it were adopted by the State, would amount to confession of the violence, the illegitimacy, and the incapacity of British rule.

Can it be supposed that the efficiency of the public service would be impaired?[1] If any man means to assert that we cannot occasionally select a better man from the class of educated native officials and Sudder Court pleaders, to be a Judge, or an Assistant Commissioner, or an Assistant Collector, or a District Superintendent of Police, than can be got haphazard in the usual way, by seniority or by favour, from the Civil Service or from the Army, all I shall say in reply for the present is that I do not agree with him. I know a little of the "patriarchal" system in Nagpore, the Punjaub, and Oude, and of the "heaven-born" system in our older possessions.

But it will be asked, do you doubt that Europeans are of a superior race, more intellectual and more energetic than the

(1) [Ed.] Sir Charles Napier advocated the giving of regular commissions to native officers even some years before the Mutiny. Ludlow remarked in 1858 on it as follows:—"To confer that honour in a few signal instances would be devoid of danger and would mark English gratitude for perilous faithfulness in a becoming way. So in civil employments...it will be most fitting to give marked advancement to the really faithful. By so doing, we shall indeed improve the whole tone of native officialism; for, as Mr Raikes strikingly remarks, "it is remarkable that a native judge who has any prospect of promotion hardly ever is known to be corrupt." Ludlow adds that "even in the face of the present Mutiny, we cannot overlook the necessity, because the justice, of opening employments to the natives." A pamphlet of the Bengal British India Society, issued in 1844 and entitled, "Evidence relative to the efficiency of Native Agency in the Administration of the Affairs of the Country," contains a striking collection of testimonies on the subject and "comprising every noblest name in Indian History—from able administrators like Mr. Holt Mackenzie to gallant old soldiers like Sir Lionel Smith." (*British India, Its Races etc*; Part III—Lec. XVII.) The system of underpayment of native officials and "the contumelies to which they are subject" were regarded by him as the principal sources of their corruption. Mr. Frederick Snore said:—"As long as the European servants were treated in the same manner, they were as corrupt as any natives could possibly be *Notes on Indian Affairs*).

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people of India, and therefore more fit to rule? This is a most interesting ethnological problem; but even if settled in favour of our largest self-assertions, it would be quite inadequate to decide either the question of policy or the question of good administration. The foremost natives of India in the present day, may be incapable of the higher achievements of European genius, and yet they may be, as I believe they are, peculiarly competent to give counsel in matters affecting native interests, and to conduct their local affairs. If we are naturally superior, that is our advantage, and a sufficient one, it might be supposed, and one which would be more imposing, and more to our credit, if we talked less about it, and if competition were not forbidden. English horses, I have been told, are excluded from some races in this country, or heavily weighted, because they are so superior in strength and swiftness to the Oriental breeds, but I never heard of country-bred horses in India, or Arabs in England, being prevented from running because they are so very inferior. If we wish to Europeanise and Christianise the people of India, we must not adopt or tolerate Asiatic forms and pagan principles in our government. If we wish to discourage caste distinctions we must take care to claim no caste distinctions for ourselves,—above all, not to make European caste the indispensible requisite for his official rank and political influence.

At present European caste is that indispensible requisite. But a still worse feature in our system is that the lust of patronage operates very extensively in both directions,—below as well as above. From time to time, when the man in power, or an influential adviser, is hard pressed to provide for some expectant, or from sheer indifference to native claims, and sensitiveness to social importunity, an Englishman or an East Indian[1] with

1. Such is the vague and inaccurate term by which the class of mixed Indo-European parentage or descent, prefer to call themselves. The old word "half-caste" is proscribed by them as offensive and insulting.

Additional Note [Ed.] About half of the Deputy Magistrates and Collectors in 1852 and nearly the whole of the uncovenanted servants employed in salt, opium and customs were Europeans or Christians, a good many of them being born and bred in the country. The uncovenanted Europeans belonged to two classes, either adventurers picked up in India who had gone out in some other calling and eventually obtained

English connections, is thrust into some vacant place which has been previously filled with efficiency by a native, or for which a native is notoriously the best qualified candidate.

It is a mistake to assume, as Parliamentary and literary eulogists appear to do, that every English official who supplants a native in a recently annexed Province, or excludes one in a settled district, is necessarily a Lawrence, a Temple, or an Edwardes; or that the members of the Indian services are for the most part men of first-rate capacity.[1] A very little reflection would of course convince any one that such a disproportionate aggregation of talent in a body of men so constituted, is simply impossible.

The truth is, that a district or a province in India is very easily managed in quiet times. The people prefer very much being left to conduct the greater part of their communal affairs—rural police, village roads, and small public works—in their own way, without much official interference; and by means of the ancient village organisation, the revenue is paid and collected with marvellous punctuality. There have been at all periods of our rule, and there are now, some Commissioners, Collectors, and Judges, who have been a blessing in their respective localities;[2] who are venerated by the inhabitants, and

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Government employ; or the sons of commissioned officers who could not obtain appointments in the regular services. Sir George Campbell thus writes of their efficiency:—" Many of the European employees are very useful, and there is not yet, I think, too large a proportion of them; but it would be well to have some test of qualification, otherwise it is quite possible or probable, that as these appointments become more and more sought after, they may be made matters of private patronage through European interest which it is not desirable that they should be."

The name East Indian was the subject of much angry discussion and it was preferred to several others.

(1) [Ed.] Edward Thompson, in his book—*The Reconstruction of India* (pp. 18-19)—, says that the Company's Governors and 'Politicals' between 1810 and 1830 were not easily surpassed in sympathy and ability; and that "a more brilliant and humane set of men never served a Government"; and that it was most unfortuate that "the process was broken off by the Mutiny." He maintains that the Mutiny bequeathed a legacy of bitter memories to persons on both sides and the liberal sentiments of the previous generation of men like Malcolm, Munro and Henry Lawrence were completely shattered (p. 41).

(2) [Ed.] Men there were like Lionel Place, Collector of the Jaghire (Chingleput) District, and Colonel (afterwards Sir Thomas) Munro, Principal Collector of the Ceded Districts, whose tradition is still cheristed in Anantapur which was his headquarters. A. Butterworth, in his *Southlands of Siva* (1923) (p. 213), says that the memory of Munro still fills Gooty.

whose departure would be a signal for universal mourning. There have been, and are others,--a class, I firmly believe, much smaller than the last,—who have discredited our nation and Government by their bad conduct, both private and official. There are many who are accomplished and exemplary public servants. But there is another class,—much too large a class,—the peculiar offspring of the European caste monopoly, composed of gentlemen, really very incompetent,[2] who have, nevertheless, attained to a certain dexterity in getting through business with the aid of clever native subordinates, and in keeping up their monthly returns, their annual reports, and their English correspondence with the authorities at the Presidency. It is thus a superficial regularity of routine is secured, at the expense of much popular discontent, and of the general discredit of our administration, more especially in the judicial department.

For instance, it is mainly through the presence in the Magistracy and in the Police, of a certain proportion of English gentlemen who are in a perpetual state of perplexity and irritability, from their imperfect knowledge of the language, and their want of familiarity and sympathy with native manners and customs, that a certain prevalent class of crimes, which have brought great obloquy on the native character, have become possible and profitable. I allude to those cases which too often occupy both the civil and criminal Courts,--false claims and

(2) [Ed.] Even Sir George Campbell, while accepting that there were a few bad entrants into the Civil Service "who were quite too stupid to learn and who ought never to have been sent out," says that "it is astonishing with what very moderate intellects men employed exclusively on official duties from their youth upwards become very tolerably efficient, and how a tolerable amount of sense is developed into great official skill." He also mentions another class of men, "once equal to their duties, but worn out in body, mind or temper;" and he writes that "the most indifferent officers get on the slowest, and yet attain a certain rank in time; and so it happens that some of the higher appointments are for long blocked up by elderly men, never brilliant, and now inefficient, yet not so bad as to be positively rejected"

The covenanted Civilians performed their judicial work very indifferently; those who were judges were not 'juris periti' and were not likely to become so without intelligible codes and proper judicial training. The Hon. Fredrick Shore, himself a Judge of the Civil Court and Criminal Sessions at Farrukhabad (U. P.), described the system of judicial administration that prevailed about 1833, in Numbers XXII & XXIII of Vol. I of his book—*Notes on Indian Affairs*—where he was particularly severe in his condemnation of the system of Judge-Magistrate who had to perform police and miscellaneous criminal work besides his judicial duties.

false charges and counter-charges, supported by elaborate conspiracy, false evidence and false documents,—cases which would not have a chance of success before the rude tribunals of a native State, or before a native judge or magistrate of dignified position, and armed with sufficient authority. At present, with our ill-paid native magistrates of inferior rank; with an ill-paid and corrupt set of ministerial parasites, who pull the wires of the visible judiciary;[1] and with an interminable series of appeals; no Hindoo Clodius,[2] no Sir Giles Overreach,[3] need despair of success, until he has gone the whole round of the courts; and even then he is pretty sure of getting off unharmed.

But the radical defect and inherent weakness of this exclusive employment of English gentlemen in the higher branches of the public service, consists in a certain consciousness of absolute superiority and privileged security,[4] which nullifies both the wholesome fear of public obloquy and the most powerful motives to exertion. The introduction among them, on an equal footing, of well educated and qualified natives, would excite a healthy emulation and competition; and would necessarily terminate that practical impunity which has frequently screened some of the worst members of the covenanted service.[5] The native officials,

(1) [Ed.] Native ministerial officers who had influence with their European superiors, were called 'Omlahs'. The undue influence of these men over their superiors has been greatly magnified.

(2) [Ed.] Clodius was a notorious enemy of Cicero who exposed him in a trial by proving his claim to an alibi false and one of the most profligate characters of a profligate age (See Beesly's *Catiline, Clodius and Tiberius* 1878).

(3) [Ed.] Sir Giles Overreach was the counterpart of Sir Giles Mompesson and an unscrupulous, grasping and proved rascal in Massinger's play, 'A New Way to Pay Old Debts.'

(4) [Ed.] According to Edward Thompson (*The Reconstruction of India*; p. 42), "not for another sixty years (after the Mutiny), would any Indian, not a Prince, meet the ordinary run of Englishmen, official and unofficial, as Rammohan Roy had met them".

Sir G. O. Trevelyan wrote in his 'The Competition Wallah, (1864) (p. 447), that at that time "a native of rank whom men like Sir John Lawrence or Sir Herbert Edwardes treat with the courtesy due to an equal, will be flouted and kicked about by any planter's assistant or sub-deputy railway contractor whose path he may chance to cross." He regretted that insolence of race became more marked with the times.

(5) Sir Charles Trevelyan, when Governor of Madras, was assailed with great virulence in the local English society and in the Indian Press, which chiefly reflected their views, for having on one or two occasions departed from the usual plan of smothering scandals relating to covenanted civilians.

however high their position, would be—as ought to be done, especially at first—most strictly watched; and would be reproved, or removed, or dismissed, without compunction, if any error, incompetence or mal-practice on their part, called for the animadversion of Government. It would of course be impossible to apply a lower standard of efficiency, or a dicipline more lenient and more lax, to the European officials than to their native compeers.

And to these considerations may be added the undoubted fact, that a native Judge or Prefect would be fully subjected, in all the relations of life, to the public opinion of his town or district; and that if he became justly obnoxious to the community, not only might he be visited with these legitimate penalties from which the European in a similar position is perfectly exempt, but there would be none of that despair of being heard, and dread of the consequences of such audacity, which too often prevents a complaint being made against an English civilian.

Just in proportion as our direct possessions have been extended by annexation, competent English officers have been more thinly scattered over the country. The Civil Service has been largely supplemented by the Army. Even that source has frequently seemed to be exhausted; and promotions have then been made from the uncovenanted ranks,—although, as I have already remarked, only for a secondary class of appointments and not in the case of pure natives. The occasional inefficiency of our civil administrators has long been, and is a growing evil; it threatens to be aggravated by the increased aversion to Indian exile, and the decreased emoluments of Indian service. The evil will assuredly not be mitigated, nor will the risk of flagrant scandal and exposure be lessened, by the spread of education and enlightenment among certain classes of the natives, or by the higher scale of erudition demanded by Government from native candidates for the public service. On the contrary, injurious comparison, and damaging collisions must necessarily become

more common. The native press received a great expansion within the last ten years; and although there is still apathy among the mass of the higher and middle class, the germ of political organisation exists at the three Presidency cities,[1] and might be found susceptible of a formidable development, under the stimulus and agency of talent and self-devotion.

Setting aside all question of justice and imperial policy, there seems to me to be no conceivable corrective to this formidable and festering disease in our administration but by the infusion of new blood, with a cautious but not a timid hand, from the source that I have indicated. When the two races are fairly combined in relations and duties of trust and responsibility, interested in the same great results, and impelled by the same ambitions, their respective good qualities and faculties—roused by publicity and competition—would, I believe, act and react both upon them and upon their work with most beneficial effects to the Empire.

It is very easy to avoid entering on the merits of the question by misrepresenting its proportions, by presenting it in an exaggerated and ridiculous light, by asking whether it is proposed to cashier all the European civil servants, covenanted and uncovenanted, and to replace them by natives, because they would be so much cheaper; whether it would not be advisable to have a native Commander-in Chief, a native Governor-General, and even a native Prime Minister of Great Britain. To this I should have only to reply that whenever enlightened public opinion points to a native as the best possible Governor-General

1. The British Indian Association, with its affiliated branches and some minor societies, with similar objects.

Sir Robert Montgomery, then Lieutenant-Governor of the Punjab, writing in April 1860, to the Governor-General, on the subject of the new taxation proposed by James Wilson, Finance Member of the Government of India, said that the 'Native Press' in Bombay and Madras and also in Calcutta and the North-West, was stirring up immense and serious opposition; and even then he advised the Governor-General thus:—"It may be a question whether you should not now place the Native Press under a censorship—I would strongly recommend it and the sooner, the better I don't allow the Punjab Native Press to comment unfavourably on taxation." (E. I. Barrington's *The Servant of All; Pages from the Family, Social and Political Life of My Father, James Wilson*.—Vol. II. p. 267.)

I hope the appointment will be made; that whenever a naturalised Hindoo statesman has succeeded in getting a majority to follow him in the House of Commons, I trust he may be made First Lord of the Treasury; and that I am content to wait a few years for those events. But at present enlightened public opinion and official experience do teach us that a few natives,—I believe as yet a very few,—are admirably fitted for the highest judicial offices,[1] for the administrative charge of districts, and for seats in local Councils; we want their aid, their counsel, and their support, and I sincerely hope we shall not be much longer deprived of them.

We do not want Hindoos to govern us in Great Britain, but to govern themselves in their own country. We must consolidate the interests and the ambitions of England and of India. Until the two races are engaged in common objects, and actuated by common aspirations, our Empire will always remain without the first element of stability. There are no such conservative people in the world as the people of India, if we will only give them something to conserve. But until we give them better men to look up to as exemplars and leaders—higher objects, grander achievements, and more attainable prizes, to admire and to emulate—they will continue to take a pride in the old glories of Sivajee, Tippoo and Holkar, and in the recent exploits of Tantia Topee,[2] Kooer Singh,[3] and the Ranee of Jhansi, which we may be sure are very differently related in their annals and their ballads from what they are in our records, and which are by no means of a conservative tendency. A nation must have an ideal.

(1) [Ed.] The Indian High Courts Act of 1861 allowed of the appointment of Indians to the benches of the High Courts then constituted; and Shambhu Nath Pandit was elevated shortly afterwards to the bench of the High Court at Calcutta.

(2) [Ed.] Tantia Topi was a famous rebel chief in the Mutiny; he was an artillery soldier and was employed in Nana Sahib's establishment at Bithur. He commanded the rebel army which attacked Colonel Greathed's column at Agra on the 10th October 1857. He commanded a very large force at the battle of the Betwa when he had under him 22,000 fighting men and 180 guns. He was captured in the jungles of Paron in April 1859 and hanged on the 18th of that month. Shortly before his death he affirmed that he was the instigator of the Cawnpore massacre and that the Nana who had sworn to protect the Europeans was very angry with him for his conduct and never saw him afterwards.

(3) [Ed.] Kooer Singh of Jagadispur was a noted rebel chief and was one of the three capable rebel leaders. He had cause to be inimical towards the English, directed the Dinapur mutineers to attack Arrah and had a victorious course in Western Bihar for some time, and his movements were marked by admirable strategy. He died of a wound at Jagadispur in April 1858.

LETTER XVII.

RIGHTS AND TITLES.

London, *November*, 1863.

Every great act of state in India seems to have been planned and executed, every general scheme of Indian policy seemed to have been based, since Lord Dalhousie assumed the reins of power, upon the supposition that India is, and will for ever remain, removed from the arena of European diplomacy. But is this so certain? Have we any permanent security against inquiries and remonstances that might be both humiliating and embarrassing?

Russia has always resented the objections of other powers to her treatment of Circassia and Poland; and the stern necessity of existence still compels her to protest, though in a somewhat lowered tone, more querulous than threatening, against foreign sympathy with Polish insurgents, and foreign suggestions for their conciliation. But she can no longer avoid or decline discussion. And allowing for the greater force and influence of public opinion, for the outward homage to certain general principles of humanity and justice demanded by the spirit of the age, the heaviest pressure that has been brought to bear upon Russia, the most efficient obstacle to her summary rejection of all advice, has certainly been found in those Articles of the treaties of Vienna, which were intended to give her the Kingdom of Poland.[1] Every

(1) [Ed.] Alexander I irrevocably bound to Russia the newly created kingdom of Poland from which, however, Cracow and Tarnopol and Posen had been separated. The Tsar reserved to himself the right of making such additions to the Polish state as he chose, and granted it a constitution in November 1815, containing a Viceroy and a Council of State and a Diet of two chambers and an Administrative Council of five Ministers. The Polish Constitution was, in some respects, the most progressive and liberal constitution in Europe. In other respects it allowed infractions of rights conferred. By 1831 the Constitutional Kingdom of Poland had ceased to exist; and the Polish revolutionary party appealed in vain to the European powers that had guaranteed the Polish Kingdom at the Congress of Vienna. In France La Fayette urged in vain the justice of intervention in favour of Poland. In England the new Whig Government of Lord Grey, absorbed in the question of electoral reform, had no

allusion to the violated provisions of those treaties tends to impugn and menace the title of Russia, and to strengthen the Polish cause with the sanction of public law.

Lord Russell in his speech at Blairgowrie on the 26th September, remarked in very plain and distinct language on the dangerous position into which Russia was falling :—"It seems to me", said the noble Lord, "that it was an act of great imprudence in Russia, when she had the great advantage to have the act of partition condoned, to reject the terms on which, by the treaty of Vienna, that title was, as it were, accepted by Europe. What may be the consequences of that act—what conduct the different powers of Europe may follow, are not questions upon which I can properly enter. I merely wish to remark the fact that these conditions, which are contained in the treaty of Vienna, by which Russia obtained the Kingdom of Poland, have not been complied with. The conditions of the tenure broken, the title itself can hardly be complete."[1]

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desire to mix itself up in Polish-Russian complications. Count Nesselrode denied, in a curt note, England's right of intervention in Polish-Russian affairs and announced the Tsar's intention to disregard entirely the provisions of the Congress of Vienna concerning Poland. In February 1832, a new Organic Statute was promulgated containing a certain show of autonomy; but its provisions were never carried into effect; and during nearly a quarter of a century under Paskevich as Viceroy, the Russification of Poland and the destruction of its national individuality and political independence were carried on uninterruptedly.

From 1855 the Poles again began to assert themselves. The Tsar was persuaded to adopt a policy of conciliation. Elective boards were set up, in 1861, in every province and district to represent local needs to a Council of State at Warsaw. In 1862 the University of Warsaw was reopened and Polish adopted as the official language. But disaffection increased; repeated attempts were made on the life of the Viceroy and Vielopolski, the popular Minister; the secret national organisation extended its activity; and revolution broke out in the beginning of 1863. It was unorganised and only became an act of national despair, being relentlessly repressed.

(1) [Ed.] While it was natural and proper that Englishmen should express their indignation at the cruel treatment of the Polish rebels, it was felt generally that there was nothing practical to be done. Lord John Russell thought that something could be effected by means of strongly-worded despatches. He said that the Treaty of Vienna of 1815 provided that Poland should have a constitution; and in the course of a long diplomatic correspondence, he suggested "an amnesty, a form of national representation, a Polish Executive, guarantee of liberty of conscience and the official use of the Polish language." He also proposed a conference of the signatory powers to the Treaty of Vienna, which the Russian Chancellor, Prince Gortschakoff, politely declined, though the English Minister professed to be supported by France and Austria which, however, declined to concur in a joint note and sent only very much milder remonstrances to the Tsar. Lord Derby described Lord Russell's conduct as "meddle and muddle."

So strongly have the Russian statesmen felt this difficulty that they would evidently much prefer to relinquish altogether their acknowledged title under treaty, and to claim a new one by right of conquest. Russia may hesitate sometime before openly throwing herself into so defiant an attitude, but if pressed too hard by the Western Powers, she will certainly do so at last, and would then probably find that she had, both in moral and in logical strength, gained rather than lost, by the sacrifice. Always suppossing that the Russian Government could place a well founded reliance on its material ability, the violated allegiance and two obstinate rebellions of Poland, and the analogy of coercion, when thus forced upon a Government, with conquest, in all its rights and results, would, if skilfully urged, form the most simple answer and explanation possible, to any demand for the constitutional privileges secured to Poland by the treaties of Vienna.[1] But situated as Russia is,—not quite confident in her power of internal coercion or of external resistance, not quite insensible to the force of public opinion,—she does not underrate the advantage of having the letter of the law on the side of her territorial possession, she cannot despise the moral reprobation or the contingent hostility of Western Europe.

It appears, then, to me, that we have in India—to adopt Lord Russell's phraseology—committed more than one "act of great imprudence," similar to that which he considers to have vitiated the title of Russia to Poland, and to justify the interference of Great Britain and France. Perhaps the clearest

(1) [Ed.] Prince Gortschakoff triumphantly pointed out to Lord John Russell that the Treaty of Vienna provided that the Polish Constitution was to be such as met with the approval of the Russian Government and it itself had no great respect for the rights of nationalities. Lord John Russell's long diplomatic correspondence "came nowhence and went nowhither"; and when the conference of the signatory powers to the Treaty of Vienna was suggested to Gortschakoff, the latter declined the suggestion and argued that "whatever was good in the policy sketched by Lord Russell had already been adopted by the Tsar." Lord John Russell was at that time so entirely absorbed in the business of his office that he, "the strenuous reformer of the fifties, speaking at Blairgourie in September (1863), could only advise those who remained reformers still to 'rest and be thankful.'" (Herbert Paul-*History of Modern England*; Vol. II pp. 853-4).

and the most indisputable instance of a imprudent act of state is that of the Carnatic disinheritance.

As I have pointed out in Letter III, the British right to administer the Carnatic has been destroyed by the violation of the conditions under which that right was held; while no title to the territorial sovereignty, recognisable by international law or accepted by the people, has ever been acquired or even assumed. The British Government is not even able to plead a revolution or a rebellion, as Russia does, or to complain of violated alliance or allegiance on the part of any reigning Prince[1] or other member of the Wallajah family or of any of their adherents, or of any inhabitant of the Principality. Nothing whatever has occurred within the last sixty or within the last hundred years, that could authorise any charge in the relations between the administering power and the reigning Sovereign, without a special negotiation between all the contracting parties. Everything remains in *statu quo*, as in 1763, when the Treaty of Paris was concluded with France, as when the treaty of 1801 was concluded with the Nawab Azeem-ood-dowlah. In short it is obvious,—to make use again of Lord Russell's own words,—that the conditions of the tenure being broken, the title itself can hardly be complete."

But the case becomes more perplexed, and more suggestive of future complications and discussions, in view of the fact that the Honourable Company did not act alone, and did not profess or pretend to confer or contribute anything, of its own mere motion and inherent authority, in any single passage of the formal and solemn documents by which Mahomed Ali was finally recognised in India as an independent Prince. The necessary firmans having been procured from the Great Mogul, the Emperor of Hindostan,[2] the next, and most important step of

(1) [Ed.] Except the alleged complicity of Muhammad Ali and Omdat-ul-Omara in the correspondence discovered in the Seringapatam palace in 1799—See Note 1, on pp. 123-4, *supra*; note 3, on p. 125; and note 2, on p. 127 for the English version of the implications and consequences of this complicity.

(2) He is so termed throughout the negotiations, and in all the treaties and sunnuds: Volume of Treaties, 1853.

all, was to obtain, in favour of Mahomed Ali, an acquittance for the past, and absolution for the future, of all tribute and allegiance to his immediate superior, the Nizam Sooba of the Deccan, who had nominated his father, Anwar-ood-deen Khan, to the subordinate dignity of Nawab of the Carnatic, then a part of the Nizam's dominions. This was effected after much delay, reluctance and resistance on the part of the Court of Hyderabad, by the Treaty of 1768, declaring "perpetual—friendship and alliance" between the Nizam, the Nawab Wallajah, and the Honourable Company, and in Article VII of which "it is agreed and acknowledged by the said Asoph Jah Nizam-ool-Moolk, that the said Nawab Wallajah, his son and their heirs in succession, shall enjoy for ever as an *altamgah*, or free gift, the government of the Carnatic, in the fullest and amplest manner."[1] Thus, if there were the slightest ground or pretext for saying that the rights of the Wallajah family were extinguished, the Nizam, as the original Suzerain and grantor, might prefer a claim to the reversion of the Carnatic, atleast as good as, if not stronger, than that of the Honourable Company.

This Treaty of 1768, under which many advantages were gained by the Company from the Nizam, is still in force; it was expressly confirmed by the Treaty of 1800;[2] and the Nizam's Government has never given its consent or adhesion to any alteration of the settlement thereby concluded. Indeed, the Nizam has never been consulted on the subject; no intimation of that settlement having been abrogated, was ever given to that Prince, either in 1801 or at any subsequent period.

Nor is the subversion of that settlement a matter on which the Nizam can be supposed to look with indifference. Even if we set aside as romantic nonsense all those considerations of common race and religion, and ancestral ties, which might be

1. Volume of Treaties, 1853, p. 123.
2. Ditto, p. 146.

expected to influence the Nizam,—even if we summarily reject, as they would do at Calcutta, any pretensions of the Nizam to an external policy of his own,—there will still remain certain points in the Carnatic case so manifestly affecting his interests, so directly threatening his own possessions, that it would be difficult, if not impossible, to evade or resent his demand for explanations. If, after fifty years of uninterrupted "*civil and military administration*,"[1] and after two successions, we are entitled,—without form, apology, or public notice,—to confiscate the Carnatic, and to refuse the stipulated share of the revenues to the Nawab,—after how many years of "*exclusive management*,"[2] and after how many successions, shall we be entitled to appropriate the Nizam's two Provinces of Berar, and to refuse any longer to "render true and faithful accounts,"[2] and "make over the surplus revenues"[2] annually to the Sovereign of Hyderabad? How this question could be answered, how any distinction could be drawn between the two cases, so as to reassure the Nizam's Government, appears to me to be quite an insoluble problem.

There is another similar case impending. In the establishment or revival, under Lord Wellesley's administration, of the Hindoo State of Mysore, the Honourable Company did not act alone, but in concert with the Nizam. The Subsidiary Treaty of 1799 with the Rajah of Mysore is declared in the preamble to be concluded in consequence of what was "stipulated in the Treaty of the 22nd of June 1799" (the Partition Treaty of Mysore) "between the Honourable English East India Company and the Nawab Nizam-ood-Dowla;"—"for effecting a settlement of the territories of the late Tippoo Sultaun,"—and "in order to carry the said stipulations into effect."[3] The principle of the original offensive and defensive alliance between the Company and the Nizam was that of "an equal division of conquered

1. The words used in the Treaty of 1801 with the Nizam Azeem-ood-Dowla.
2. Terms used in the Treaty of 1853 with the Nizam Nasir-ood-Dowla; Volume of Treaties, 1856, p. 70.
3. Collection of Treaties, 1812 p. 454.

territory," as stated in Article VI of the Treaty of 1790;[1] and although Lord Wellesley considered that, according to the letter of the new treaty of 1798, the Nizam could not demand a share in the territorial acquisitions beyond his relative proportion in the expenses and exertions of the campaign, yet the principle of equal division was in fact adopted as the basis of the new arrangements. Indeed, so clearly was the spirit of the long standing engagements between the allies in favour of the Nizam's claim, that the same plan of equal partition was pursued in the Treaties of 1804 and 1818, after the first and second Mahratta wars.[2] On both occasions the Nizam received rather more than his fair share of the territories conquered by the allied forces.

The following passage from the contemporary despatches will prove that Lord Wellesley fully acknowledged the Nizam's concurrent right and interest in the disposal and settlement of the provinces conquered from Tippoo.

"It is almost superfluous to state to you that the whole Kingdom of Mysore, having fallen to the arms of *the Company and the Nizam*, is at present to be considered as a part of their dominions by right of conquest."[3]

"From the justice and success of the late war with Tippoo Sultan, *the Company and the Nizam* derived an undoubted right to the disposal of the dominions conquered by their united arms. The right of conquest entitled *the Company and the Nizam* to retain the whole territory in their own hands; the cession of it to any other party, might be a consideration of

1. Volume of Treaties, 1853, p 133. Additional note [Ed.] The provision for an equal division was to be operative only from the time of each party commencing the hostilities; the parties having no claim to the Company's acquisitions made previously to the commencement of hostilities. But the principle of equal division was in fact adopted as the basis of the arrangements of 1799.

2. Volume of Treaties 1853, pp. 157-159. By the Treaty of 1818 the Nizam not only gained an exemption from debts which he owed the dethroned Peishwa, amounting to about sixty millions of rupees (six millions sterling), but cessions of territory which gave him at least eighteen lakhs of additional revenue.

3. Wellesley's Despatches; Vol: ii, p. 13.

policy or humanity, but could not be claimed on any ground of justice or right."[1]

"To have divided the whole territory *equally between the Company and the Nizam*, while it would have afforded strong grounds for jealousy to the Mahrattas, would have aggrandized the Nizam's power beyond the bounds of discretion."[2]

"The Rajah of Mysore will therefore be restored to the throne, and maintained on it *under the protection of the Company, the Nizam*, and I trust also of the Mahrattas, who certainly all have a concurrent and common interest in the exclusion of Tippoo's family."[3]

It surely might be supposed, when a Principality had thus been constructed or reconstituted out of territories conquered by two allies, and in consequence of the stipulations of a treaty[4] between them, that this settlement ought not to be disturbed, that this Principality ought not to be summarily appropriated by one of those two allies, without the other's consent having been asked, without any previous consultation having taken place, without any explanation or notice having been given. The impropriety and irregularity of such a proceeding do not

1. Ditto p. 72. (Additional note-Editor)—Wellesley's despatch to the President of the Board of Control, dated Fort St. George, 7th June, 1799, stresses "the right of conquest, under which I conceive the absolute disposal of the territory to have accrued to the Company and the Nizam" and declares that "in the exercise of this right, if I were to look to moral considerations alone, I should certainly, on every principle of justice and humanity, as well as of attention to the welfare of the people, have been led to restore the heir of the ancient Rajah of Mysore ...."

The Nizam had an army of 20,000 men in the field, including 6,000 cavalry, in which the English army was very deficient; and the troops received their full share of the prize-money after the storming of Seringapatam.

2. Wellesley's Despatches: Vol: ii, p. 36.

3. do do 38.

(4) [Ed.] Wellesley's despatch to the Directors, dated Fort St. George, 3rd Aug. 1799, limited, however, the Nizam's claim to equality of benefit. It said. '——"The Nizam certainly could not assert any just claim to an equal participation with the Company in the advantages of the place. The operation of the 6th article of the Treaty of Paungul (4th July 1790), respecting an equal division of conquests, was limited to the war which terminated in 1792. Since the Peace of Seringapatam, the 10th (article) is the only Article of the Treaty of Paungul which can be considered to continue in force; and no subsequent engagements had been contracted with the Nizam which could entitle him to any advantages in the present place exceeding his relative proportion in the expenses and exertions of the allied force during the late war.........."—Martin ; Vol. II p. 77.

seem to be lessened in the present instance, when we recall to mind that for ten years before and for twenty years after that settlement, those two powers had continued to act upon that principle of equal partition which was the basis of their original alliance; that Lord Wellesley himself declares that the only alternative to the Hindoo restoration, would have been to divide the conquered country with our ally; and that he anticipates the maintainance of the Mysore State under the protection of the Company and of the Nizam.[1]

By the Treaties of Vienna, to which France and Great Britain were parties, Cracow and Poland were established as separate States,—the former as a Free City under the protectorate of the three partitioning powers, the latter as a constitutional Kingdom under the Romanoff dynasty, but not incorporated in the Russian Empire. The absorbtion of Cracow[2] by Austria in 1846, and the several encroachments by Russia on the constitution and separate existence of Poland, have from time to time formed subjects of remonstrance and

1. And this reliance on the Nizam's concurrent protection, which I have quoted, is not stated in a document intended to persuade or flatter that Court, but in a despatch addressed to Dundas (Lord Melville), then President of the Board of Control, where no empty compliment to the Nizam could possibly find a place, and where Lord Wellesley would be sure to express himself frankly on such a point. Additional note [Ed.]—See note on p 291. Also Wellesley wrote thus: "To have divided the whole country between the Company and the Nizam, while it would have afforded strong grounds for jealousy to the Mahrattas, would have aggrandised the Nizam's power beyond the bounds of discretion and would have left in our hands a Territory so extensive as it might have been difficult to manage, especially in the present state of the Company's service at the (Madras) Presidency. To have divided the Territory into three equal portions, allowing the Mahrattas who had taken no part in the expense or hazard of the war, an equal share in the advantages of the peace, would neither have been just towards the Nizam, politic in the way of example to our other allies, nor prudent in respect of the aggrandisement of the Mahratta empire. To have given the Mahrattas no larger a territory than is now proposed, while the Company and the Nizam divided the whole of the remainder to the exclusion of any central power would have been liable nearly to the same objection as that stated against a total exclusion of the Mahrattas from all participation. The establishment, therefore, of a central and separate power in the ancient territories of Mysore appeared to be the best expedient for reconciling the interests of all parties."

(2) [Ed.] Cracow was established as a neutralised free republic in 1815 and as "the last survival of Polish autonomy." Russia, Austria and Prussia had, by the secret agreement of 1835, resolved to abolish it and incorporate it with Austria and even sent troops into it in 1836 to suppress agitation. Ten years later when Galicia, Posen and Cracow rose up in unison, Cracow was subdued by the Austrian general, Benedek; and it was absorbed in Austria which set aside the European compact of 1815, while Prussia and Russia looked on quietly.

protest by Great Britain and France. Mysore was established as a separate State by the Partition Treaty of 1799;[1] and if its incorporation into the British Empire were contemplated, the Nizam as joint-conquerer, joint-restorer, and joint-protector, would have at least as strong grounds of complaint against Great Britain, as ever Great Britain and France had against Russia or Austria.

Well—it is generally understood that Mysore is marked for absorption at the death of the present aged Rajah;[2] and

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(1) [Ed.]. The Raja was formally installed on the throne by the Special Commissioners for the affairs of Mysore, appointed by the Governor-General, assisted by Mir Allum, the minister of the Nizam, on the 30th June, 1799.

(2) [Ed.]. Lord Dalhousie wrote in his own way :—" As his Highness was 60 years of age at the time and had no male heirs and had never declared his intention to adopt one, the kingdom would lapse to the original donor." He also observed that the treaty by which the kingdom was bestowed on his Highness were silent as to "heirs and successors. No mention is made of them; the Treaty is exclusively a personal one."

Lord Canning, strangely enough, was antagonistic to the Ruler of Mysore and did not grant him the right of adoption given to all other Princes and Chiefs of India ranking above a jaghirdar, on the ground that His Highness was not personably governing his territories at the time of the proclamation of the despatch of adoption.

Sir Charles Wood, Secretary of State, issued a despatch to the Governor-General, dated 26th January, 1860, in which he desired that the Mysore Commission should be placed under the immediate supervision of the Madras Government to which Sir Charles Trevelyan had been recently appointed. Sir Mark Cubbon, the experienced and talented Commissioner of Mysore, immediately tendered his resignation and wrote in a private letter that he found that " the late order is regarded as a great breach of public faith, as the first step towards the final extinction of the State of Mysore and of its incorporation with Madras, and consequently tending to produce the most fatal of all results, the destruction of all confidence in the sincerity of the Queen's Proclamation." The Rajah himself wrote a *kharita*, dated Mysore, 15th March, 1860, protesting against the transfer and claiming the restoration of his country, on behalf of himself and of his heirs thus :— "I have grave fears that such a measure as this, if introduced, would possibly interfere with the claims that I and my heirs have for the restoration of the government of my country, as it is evident that the contemplated change is with the view of introducing alterations in the form of Government, which would render it difficult for me or my successor to conduct the administration hereafter with native agency; and the recent conduct of the present Government of Madras adds cogency to my fears on this point," (para. 5.)

Lord Canning had previously written that " it has been supposed that he will bequeath his kingdom to the British Government. I say 'supposed,' because there is no formal or official evidence of purpose; but I know for certain that such was his intention, because early in 1858 the Rajah seized an opportunity of conveying to myself, through an entirely private channel, not only the strongest protestation of his loyalty, gratitude and devotion to the Government, but a distinct and earnest declaration, more than once repeated, of his wish that everything that he possessed, should at his death pass into its hands." The Viceroy, in his letter, dated 30th March 1860, to the Secretary of State, even after he received the *kharita* of the Raja, still preferred to believe the story of his intention to bequeath his kingdom to the British and 'hoped for its realisation.' But he feared " to draw from the Rajah an emphatic

that the same factitious and unfounded plea of a lapse for want of heirs natural, under which Sattara, Nagpore and Jhansi were annexed, is the appointed engine of destruction.

Not only would the Nizam have a good cause of protest against the appropriation of Mysore by the British Government for its own aggrandisement as an unauthorised reversal of the settlement of 1799, as a measure opposed to the traditional

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protest and refusal of consent, in which he will carry with him, reasonably or unreasonably, the sympathy of his fellow-princes" and that the Prince "possesses a very strong claim to have his wishes and feelings considered by us". Lord Canning was anxious that "the Rajah should not be startled or provoked into an assertion of his rights"; and he hoped that the Rajah might be allowed to die quietly without having adopted a son; but he could state "no doubt whatever as to his right to adopt a son if he chooses."

On the 23rd February, 1861, the Rajah addressed a *kharita* to Lord Canning in which he desired the retransfer of the administration of the country to himself—"the avowed object for which the Government of my country was temporarily assumed, has long since been accomplished, and there is no justifiable pretext for its further retention."

Lord Canning, in his reply dated 11th March 1862, just the day previous to his departure for England, took exception to the claim put forward and rejected it. He wrote that Sri Mark Cubbon had nowhere, in his correspondence with the Government of India, acknowledged the Rajah's share in the credit for the successful administration of Mysore; and "any improvements that had taken place had been effected in spite of the counteraction he had met with on the part of your Highness and your partisans." Further he held that the Marquis of Wellesley did not waive any right of conquest over Mysore, but asserted and maintained that right in a three-fold manner:—(1) In the partition treaty of 1799, the Rajah was "not otherwise a party concerned than as the notified future recipient of the liberality of the British Government," which had effected the conquest; and the contracting parties to that treaty were the Governor-General and the Nizam. (2) The subsidiary treaty with the Rajah was ancillary to the partition treaty; and the cession of territory to him was "based distinctly upon the British Government's right of conquest." (3) The 4th and 5th articles of the subsidiary treaty show that "far from waiving the rights derived from conquest, Lord Wellesley, in a very signal manner, kept those rights alive in the conditions which he attached to the cession."

Canning concluded his despatch by saying that "there is no waiving of the rights of conquest, and of the Supreme Sovereignty which it conferred upon the British Government." He asserted that even the personal provision for the Maharajah "is a personal right, not a heritable one; it is not claimable as a right, even by a natural born heir... and your title to that right is exactly the same as was your title to the authority which you forfeited through misrule."

In April 1862 the Rajah sent a rejoinder to the Earl of Elgin, the new Viceroy, in which he fully met and answered every argument advanced by Canning. The matter then went up to the Secretary of State, whose decision was adverse to the Rajah and was sent only on the 17th July 1863. During this period (April 1862—July 1863) rumours reached India of considerable differences of opinion in the India Council.

When the adverse decision was communicated by Mr. Bowring to the Maharajah on the 14th September 1863, the latter wished that the Commissioner might be designated Resident in Mysore and Minister, the Government being still administered by him and in the Maharajah's name and that the yearly revenue should be made over to him and that the power of adopting a son should rest with him. Soon afterwards, Lord Elgin died (November 1863) when Major Bell published this Letter.

policy of his house, but even in the case of a genuine and unavoidable "lapse," by the extinction of the reigning family, his claim to a partition would be irresistible.[1] If, on the contrary, the "lapse," pronounced or prognosticated, were not genuine, but, as I contend, factitious and unfounded, the protest and remonstrance of the Court of Hyderabad would be still more formidable and embarrassing.

Of course it may be said, and it probably would be said by some of the Dalhousie-Resident school of Indian politicians, that any such disagreeable inquiries by so insignificant a potentate as the Nizam,—"one of our feudatories," "a mere nobleman," as the *Friend of India* loves to call him,—would be simply disguised treachery and intolerable insolence, and should be not answered but punished. This slashing style of diplomacy, false in principle, defiant of historical fact and public law, and utterly reckless and hopeless of the future, has been much in favour of late years. In my humble opinion it has never been really successful,—not even in outward show,—and a state of things might very easily and speedily arise, under which its imprudence and impotence would be obvious even to those Calcutta gentleman who look upon the *Friend of India* as an oracle.

The Nizam is not "a nobleman," or "one of our feudatories,"[1] but the Sovereign of Hyderabad. and an ally of the British Government. I doubt not that he, and several other Indian Princes, who are, equally with the Nizam, left under the terms of their

(1) [Ed.] Article III of the Partition Treaty of 1799, conferred the Fortress of Seringapatam on the Company "in full right and sovereignty for ever." Thus without the express consent of the Nizam, Seringapatam would have become part of the separate state of Mysore and consequently "without the Nizam's consent, no other place or district within the limits of that separate state, could have then become British territory, or can ever become British territory, by any legal title." The emphatic and special grant of sovereignty over Seringapatam to the Company by the treaty between it and the Nizam should prove that the claim to sovereignty over the whole of Mysore, by right of conquest, advanced by the British, in Lord Canning's letter of March, 1862, was quite *unfounded*.

1. *Friend of India*, June 5th, 1862, "The Nizam, like all his *fellow-feudatories*" August 28th, 1862, "We would teach *great Hindoo and Mussulman nobles* as Holkar, Scindia, and the Nizam"—April 23rd, 1863, "*A Mussulman noble, our own subject*, in Hyderabad,"—and so forth, in the same regal style, on innumerable occasions.

treaties with the East India Company, in the possession of absolute local power, and of every prerogative of monarchy, might be induced, by very simple and equitable means, not only to acknowledge the Queen as their Imperial Suzerain, but to adopt under her Majesty's guidance and example, a constitutional form of government,[1] and a sound financial system; but this policy will never be advanced by false pretensions, or by arrogant misrepresentation.

The Nizam had asserted and secured his independence of Delhi for upwards of forty years before our first treaty with him in 1766.[2] The English have never known the Nizam, have never had any dealings or any communications with him, except as an independent Sovereign. Lord Dalhousie himself, while aiming to deprive the Nizam of a large portion of his dominions,[3] observed that he was "an independent Prince."[4] and that "the British Government was bound by the solemn obligations of a treaty to abstain from all interference in his Highness's internal affairs,"[5] and had "guaranteed to him the exercise over his own

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1. I may observe that in speaking of a constitutional form of government, I by no means contemplate the hasty introduction of representative institutions, What I understand by a constitutional Monarch, is a Monarch who acknowledges the supremacy of the Law, who has divested himself of direct judicial functions and who carries on the work of legislation by some formal process, which admits, at the least, the full right of petition. I do not call our Government of India a depotism; its forms are constitutional, and present a fair prospect of future popularisation.

2. Grant Duff's History of the Mahrattas, 1826, vol. i. p. 478; Volume of Treaties, 1853, p. 116.

3. Papers relative to the Nizam, 1854, p. 107. See also *The English in India*, p. 70.

4. Ditto p. 39. [Additional Note:—[Ed.] According to the treaty of 1853 and the Minute of Dalhousie of 30th May, 1853, the Berar Provinces were only to be "assigned to the exclusive management of the British Resident for the time being." The Nizam did "not cede the districts specified, in perpetuity, though he assigned them to the British Government. This was a diplomatic failure that Dalhousie encountered. His sovereignty over Berar was further recognised in the treaty of 1860, which states, in the preamble, that "in order to mark the high esteem in which His Highness the Nizam is held by Her Majesty the Queen, His Highness agrees to forego all demand for an account of the receipts and expenditure of the Assigned Districts for the past, present and future", and in Article V, the Viceroy "restored to the Nizam the two Assigned Provinces of Nuldroog and the Raichore Doab, retaining in trust, under Article VI, only the two Berar districts."

5. Ditto, p. 38.

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subjects of his own sole and absolute authority."[1] As an independent Sovereign ruling over ten millions of subjects, as the most ancient and influential Mussulman Prince in India, the Nizam will not, I think, be generally considered in Europe as a very insignificant personage.

The Nizam, in consequence of his great power and influence, his assumed and acknowledged dignity, and independence of all feudal and federal ties, at the period of our first connection with the Court of Hyderabad, and of our uninterrupted alliance during one hundred years of war and peace, has never been required to divest himself so completely of all power of negotiation and external political action, as have, almost without exception, the other Princes of India.[2]

He certainly has renounced the right of making war, except under our wing. In Article XVI of the Treaty of 1800, the Nizam "engages never to commit any act of hostility or aggression against any power whatever; and in the event of any differences arising, whatever adjustment of them the Company's Government, weighing matters in the scale of truth and justice, may determine, shall meet with full approbation and acquiescence."[3]

But whereas the Nawab of Oude engaged not to open any communication with other States "except with the knowledge and *concurrence*" of the British Government,[4] and the Rajah of Nagpore to hold no intercourse with other powers, "except

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1. Do. p. 39. The treaty obligation referred to will be found in Article XV of the Treaty of 1800,—Volume of Treaties, 1853, p. 149. "The Honourable Company's Government, on their part, hereby declare that they have no manner of concern with any of his Highness's children, relation, subjects or servants, with respect to whom his Highness is absolute.

2. The only Prince In India who retains the full power of declaring war and peace, and of establishing diplomatic relations, is the Rajah of Dholepore, a petty State with about 100,000 inhabitants! The Treaty of 1805 provides that this State "will remain exempt from all orders of the Adawlut and other demands for the Honourable Company, and Maha Rajah Rana hereby agrees to take upon himself the responsibility of adjusting all disputes which may arise, either external or internal, and no responsibility for assistance or protection remains with the Honourable Company." And there are no restrictions whatever. Vol. of Treaties, 1853, p. 383-4.

3. Vol. of Treaties, 1853, p. 149.

4. Do. p. 73.

through the Resident or other minister of the Honourable Company;" while the feudatory and tributary Princes are subjected to still stricter conditions,—the stipulations made by Lord Wellesley with the Nizam in the Treaty of 1800, which have not been modified by any later agreement, leave him much more free; recognise his common interest in the pacification and general policy of the Empire; and place him in a position of confidential partnership with the British Government.[1]

Thus in Article XV:—"His Highness the Nizam engages neither to commence nor to pursue, in future, any negotiations with any other power whatever, *without giving previous notice and entering into mutual cosultation* with the Honourable East India Company's Government."[2] The Nizam agrees to inform and consult his ally before entering on any negotiation, but neither undertakes absolutely to abstain from such negotiation, *after* due notice and consultation, nor to adopt the views of the British Government, if the opinion of the two States should unfortunately differ. He promises by Article XVI, to acquiesce in the Honourable Company's decision, where hostilities have occurred or are likely to occur, between his own and some other Government. He makes no such promise with reference to any

(1) [Ed.] This freedom was owing to the inchoate form that British Supremacy had attained to in 1800 A. D. when restrictions like those imposed in the later treaties were not thought of.

Under the treaty of 1800, a new and larger British Subsidiary Force was stationed in the State of Hyderabad, whose strength was 8,000 infantry and 1,000 cavalry with artillery; and the Nizam engaged to keep also an army of his own of 6,000 infantry and 9,000 horse to help the British in war (article XII.) The Nizam's own army itself came to be known as the Contingent, though the term was usually applied, alternately with 'subsidiary', to denote a British force established in an allied state. Both parties agreed to bring into the field all the forces that they might be able to bring up, over and above the said Contingent and Subsidiary Forces for the speedy termination of any war in which they might be involved. And, according to Article XVII, the British Subsidiary Force was to be used to suppress internal disturbance as well as to guard against external attack.

The tenour of the provisions of the treaty clearly indicates, as is expressed in article XVIII, that it was "calculated to strengthen and perpetuate the foundations of general tranquillity" and, as said in the next article, both the parties were "actuated by a sincere desire to promote and maintain general tranquillity."

(2) [Ed.] The latter part of that article distinctly lays it down that "the Honourable Company's Government on their part hereby declare that they have no manner of concern with any of His Highness's children, relations, subjects or servants with respect to whom His Highness is absolute." See note above.

other cause or ground of negotiation. Still less does he abandon his natural right to discuss and remonstrate with the British Government on any of their measures which may be opposed to his interests, or incompatible with the existing engagements between the two States.

The British Government, indeed, fully admits the consultative equality of the Nizam; and by Article II it is laid down that if "either of the contracting parties" be compelled to go to war, then "the contracting parties will proceed to concert and prosecute such further measures as the case shall appear to demand."[1] I am not aware whether on every subsequent occasion of hostilities breaking out, the British Government has, in conformity with this Article, consulted and concerted measures with the Court of Hyderabad; but it is clear that such a course ought to have been adopted.

Again, it is agreed by Article XII, that "the contracting parties will employ all practicable means of conciliation to prevent the calamity of war; and for that purpose, will at all times be ready to enter into amicable explanations with other States, and to cultivate and improve the general relations of peace and amity with all the powers of India, according to the true spirit and tenor of this defensive treaty."

Until the accession of Naseer-ood-dowla, father of the present ruler of Hyderabad, in the year 1829, the Nizam in his correspondence with the Governor-General, had always used the imperial phrase of "*ma ba-dowlut*," or "our royal self," while the British Viceroy employed the style of an inferior in rank, calling himself "*niyazmund*", or "this petitioner." The Governor-General, with great judgment, took the convenient opportunity of a new succession to discontinue this objectionable practice, and the correspondence has been since that time conducted in terms

(1) Volume of Treaties, 1853, p. 147.

of perfect equality. [1] But the long continued form proves how far removed the Nizam's political position was above that of "a feudatory".

Whatever theory, in short, may be assumed as to the political demeanour and style proper to feudatory and tributary Principalities, would be by no means applicable to the State of Hyderabad. An animated and persevering controversy on the subject of the annexation of Mysore, or the confiscation of the Carnatic, would be neither unwarrantable nor unbecoming on the part of the Nizam, while it might be most detrimental to the honour and credit of the British Crown.

But some of our Calcutta friends may still declare that our Government will show culpable weakness and timidity, if any impertinent interference or inquiries on the part of any native Prince, were tolerated for a moment, or allowed to pass unrebuked, even if unpunished; they may treat with derision the military power and resources of the Nizam, and assert that the Governor-General could, as Lord Dalhousie threatened, "crush him at his will" [2] at any time. Perhaps there may be within the grasp of the Hyderabad Government some material and some

(1) The Nizam, by H. G. Briggs, 1861, Vol i, p. 104. (Additional note by Editor)—The English Government took advantage of the fact that the Nizam, Nasir-ud-Dawla, who, though the eldest son of the Nizam, Sikandar Jah, was not born of a properly wedded wife. The fact of his inferior birth was never brought forward as an objection to his succession. "The three preceding soubadars of the Deccan had all been illegitimate (in this sense), so that his claim was sanctioned by usage, and had been acknowledged ever since 1809. The minister was questioned on the subject, and he replied that it was not customary among the members of the Asuphea family to contract marriages." (Captain Hastings Fraser: *Our Faithful Ally, the Nizam*:—p. 235) Nasir-ud-dowla, originally known as Mir Farkhunda Ali Khan, was born in 1792 to a favourite *nikka* wife of his father, of the name of Chadni Begam, by whom he had three sons.

(2) Papers relating to the Nizam, 1854, p. 42. See also the *English in India*, pp. 77,79. I have never seen a copy of the Persian original of Lord Dalhousie's letter, but it is said that the word officially translated "crush", literally means "trample under foot." Imagine this language used, in a time of profound peace, to the pettiest Prince of Christendom! (Additional Note: Ed.]—When the Nizam resolutely refused to consider the permanent cession of Berar, Dharaseo and Raichur, in 1853 to meet his debt incurred on the Contingent and made alternative offers of money, Colonel Low, the new Resident, had several interviews with him, in which according to one authority, "we insulted his dignity with unbecoming words." "At the same time for some days, an English Officer was deputed to examine the out-works of the city to note the defences, which he did openly, telescope in hand. Finally Major Davidson, the Assistant Resident, urged the Nizam's minister to promote a speedy

moral means of defensive war and offensive coalitions, that are very little suspected by irresponsible journalists; but as to the immediate result of such a contest, if promptly and vigorously pushed to an issue, there can be no doubt or question whatever. Indeed, I have myself pointed out what appears to me to be the shortest and safest process.[1] But there it is, according to my views, that our real difficulties would begin. Without counting the direct cost and known risk of war or coercive execution against a large native State, there would be a great chance of our being driven into annexation, with the inevitable financial loss, further dispersion of the army, and all the occult and cumulative dangers of that delusive policy.

I am not therefore, ashamed to confess that, on merely prudential grounds, I strongly object to such provocations and temptations being thrown in the Nizam's way, as the confiscation of the Carnatic, or the impending extinction of the Mysore State. I do not like the idea of its being open to that Prince to make demands and remonstrances which would neither be satisfied nor refuted, and which, if persisted in, could be answered by no argument but war.

But it is by no means inconceivable that these questions might be raised by the Nizam's Government at an awkward crisis,—perhaps when we had just hanged or transported, or were about to hang or transport, some of the Wallajah family, or some of their hereditary adherents for high treason or sedition, or during some local disturbance or a war in some other native State, or with a European power, when it would be very inconvenient to add to the general excitement or disaffection, or to widen the area of hostilities.

But it is not the Nizam alone, among all the Princes and potentates of the world, who could, in pursuance of a national

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settlement if possible, as the British troops had orders to be ready to march on Hyderabad, and the Governor-General waited only for the word." A. P. Newton—*Scraps of Paper*—pp. 186-9.

(1) Ante. p. 37.

policy, or in response to an outcry of public opinion, fix upon some Indian grievance or scandal as a point for inquiry and remonstrance.

With the exception of Portugal, closely allied and almost dependent upon Great Britain, France is the only other European power which has any territorial dominion or direct interests upon the continent of India. Besides "the foot-hold," as Thiers calls it, [1] of Pondicherry, France possesses the four smaller settlements of Karical, Chandernagore, Yanaon, and Mahe.

I have not been able to ascertain whether the proposition was ever seriously entertained by our Government,—but rumours to that effect have prevailed, and it has more than once been discussed both by English and French writers,—that the four minor settlements should be relinquished to Great Britain, in exchange for a proportionate cession to France of territory adjacent to Pondicherry. It appears to me that a negotiation on this subject could hardly be brought to a very advanced stage, without the question of title assuming a very ugly aspect. All the territory surrounding Pondicherry is included in the Carnatic; and if the facts and arguments adduced by me in this Letter and in Letter III, are worth anything, it would be difficult for the British negotiators to show that this Province belonged to the Government which they represented, or to show by their credentials that they were duly authorised or vested with powers to treat for the cession of any part of it. All the old treaties, capitulations, and sunnuds, would of course be over-hauled on the occasion, and there are probably some curious documents of this description to be found in the French archives.

The French Government did not acquire Pondicherry, and does not continue to hold it, by virtue of any grant or gift from the British Government. It is true that Pondicherry and other French settlements were repeatedly captured during war, and restored at the several treaties of peace of 1782, 1802, and 1814,

(1) "Les deux pieds-a-terre de Chandernagor et Pondichery, places dans la peninsule Indienne." Histoire du Consulat et de l' Empire, Paris, 1845, vol. iii, p. 27.

as other captured islands and districts were similarly restored to us and our allies. But this mutual restitution of conquests is not equivalent to a cession; it confers no new title, and cannot amend a defective one, though in each instance it clearly amounts to a recognition by the party which restores the conquered territory. But, for his right against the world, for his answer to any adverse claimant, the restored power must fall back upon his original title The original title of the French to the site of Pondicherry, and a small adjacent tract, is founded on a grant from the Mussulman King of Beejapore in 1672,[1] confirmed by various sunnuds from the Nizam and the Nawabs of the Carnatic. But the two small districts of Valanour and Bahour, now included in the settlement of Pondicherry, were acquired at some period subsequent to the Treaty of Peace of 1782,[2] ; having been in accordance with Article XIV of that Treaty, "procured" for the French Government, by the good offices of His Britannic Majesty, from the Nawab of Wallajah.

The French, therefore, hold at present a part of their possessions in India as a cession, or more probably as a perpetual jaghire.[3] from that very Nawab Wallajah whom both powers had previously recognised, by the Treaty of Paris 1763, as the legitimate Sovereign of the country. Although four successions have taken place since that Sovereign's demise, although a lineal descendant now claims the succession, the arbitrary decree of the Honourable East India Company, declaring that sovereignty to

(1) [Ed.] Francois Martion got from Sher Khan Lodi, the governor of the Bijapuri Karnatak, in 1672, the site of Pondicherry and actually settled in it in April 1674. To the Bijapuri dominion over the Carnatic succeeded the Mughal Emperor and his deputies, the Subahdar of the Deccan and the Nawab of Arcot.

(2) Treaty of Peace of 1782, Act XIV:—"Pondicherry sera egalement rendu et garanti a la France, de meme que Karical: et Sa Majeste Britannique procurera, pour servir d'arrondissement a Pondicherry, les deux districts de Valanour et de Bahour." Martens' Recueil, tome iii, p. 525. (Additional note by Editor.) The French had stipulated with Chanda Sahib, before he won the battle of Ambur (1749) that, as a condition of their help they should be given the jaghirs of Villiyanallur and Bahur. (both in the vicinity of Pondicherry). Dupleix actually got possession of the 36 villages of the Bahur jaghir on November 2,1749; and he had settled 1,200 families of weavers in Villiyanallur before 1752 when they became scattered.—(See Dodwell's *Dupleix and Clive*; p. 39 and *The Journal of Indian History* Vol. IX (1930) p. 340.

(3) Such was the usual form at that time, but I do not know that the French sunnuds, or their treaties with the native Princes, have ever been published.

be extinct, still remains unreversed and undisturbed by Her Majesty the Queen And yet there has been no war or rebellion, no revolution or *coup d'etat*, upon which a new system might have been founded; and the arbitrary decree of the Honourable Company is simply known to the world by the silent refusal of Prince Azeem Jah's rights, unjustified and unexplained by any visible process, by any public proclamation or by any diplomatic document. Under these circumstances, it would clearly be as impossible for the French, or any other Government, to accept a cession of any part of the Carnatic from the power in whose hands the civil and military administration of that country was placed in trust for the lawful Sovereign, as it would be to accept a cession of any of the districts similarly placed in trust by Scindia and the Nizam, or of the Ionian Islands,[1] or any part of those Islands, which were by the Treaty of Vienna, and on analogous principles, placed under the protection of the British Monarch.

But this is not all. By Article XI of the Treaty of Paris in 1763, it was in fact agreed that the rivalry of the French and English in the Carnatic should cease, but on certain conditions, one of which was the recognition of Mahomed Ali Wallajah by both of the contracting parties.[2] The struggle for predominancy in the Deccan and the Carnatic had commenced, and had been chiefly promoted, by the European rivals taking part in the disputed successions and other quarrels of native Princes, and for some years was carried on with varying success, until, during the brilliant career of Dupleix, the dominion of India seemed to be

(1) [Ed.] "The most important modern instance of a protected state is afforded by the United Republic of the Ionian Islands, established in 1815 under the protectorate of Great Britain." The head of the Government was appointed by England; the whole of the executing authority was in the hands of the protecting power, which represented it in its external relations. The treaties made by the protecting power did not affect the protectorate, unless expressly stipulated. The protected state carried a separate trading flag and received foreign consuls, though it could not accredit them. In the Crimean War, it maintained a neutrality the validity of which was maintained by the British courts

(2) "Et afin de conserver la Paix future sur la Cote de *Coromandel* et *d'Orixa*, les Anglois et les Francois reconnoitront *Mahomet Ally* Khan pour Legitime Nabob due Carnate," Martens' Recueil, tome i, p. 113

allotted to France. But during the Seven Years' war, the dissensions of the French leaders and the incapacity of the French Government, gave full effect to the superiority of British arms; and the French King while recovering his Indian possessions by the Treaty of Paris, joined with His Britannic Majesty in recognising that the Nawab of the Carnatic, whose succession had been opposed by the French and their native allies during war.

The stipulations of the Treaty of Paris, so far as they have not been altered by subsequent treaties, are as much part of the public law of Europe as the Treaty of Vienna. The lapse of a century has not more invalidated the former, than the lapse of half a century has abolished the latter. The Treaty of Paris has never been abrogated as a whole; and Article XI is not one among those Articles that have been annulled or modified by more recent engagements.

Nor was it an Article to which the French Government agreed without difficulty or discussion. On the contrary, the whole history of the negotiation proves that the French diplomatists considered that they were making a great sacrifice, while the British plenipotentiary, and the Directors of the East India Company, exulted at having gained an important advantage.[1] The Duke of Bedford, who represented Great Britain on the occasion, makes the following remarks in his analytical report on the treaty, addressed to the Secretary of State, Lord Egremont.[2] 'Art. II. We have carried this material Article in its fullest extent. Bengal is extended to the *etats du*

(1) Ante p. 109.

(2) [Ed.] The Duke of Bedford accredited to Paris to conduct the negotiations was "a man of obstinacy and proverbial avarice," of "no great capacity, but haughty and difficult," 'who went to Paris with the purpose of ending the war by dictating to France the terms of the future treaty. The French envoy to London was the Duc de Nivernais, who, according to the description of the Chevalier d'Eon, who accompanied him, is represented "as appearing even in the most trying curcumstances, 'like Anacreon crowned with roses', and 'so little sensible to the ordinary feelings of mankind, that though separated from his wife, he did her no harm, and though he had a mistress he did her no good' and 'a man with no disquietude in his head and no wrinkles in his brow and 'certainly well adapted to submit to the renunciation of an empire." See *The Bedford Correspondence* II & III; & D J. Hill; *A History of Diplomacy* Vol. III—p. 608.

Soubah Bengale, and those limits are explained by my declaration, as pointed out by the East India Directors: add to this, *that the Eastern Princes are acknowledged,* and the pretensions of satisfaction renounced (without the addition at first insisted on by France); and it clearly appears that the whole of this Article has passed, in the fullest extent to the desire of the East India Directors themselves."[1]

And we learn from Lord Russell's Introduction to the Bedford Correspondence, that this same Article XI was the only Article in the treaty which was so keenly contested as nearly to lead to a suspension of the negotiations, if not a renewal of the war. The Article had been framed by the East India Directors in terms which they supposed would secure all the fruits of their latest successes; but after the preliminaries had been signed, they found that the period by which the mutual restoration of conquests in Bengal and on the coasts of Coromandel and Orissa, was to be regulated, had been injudiciously stated as "the time of the war breaking out in the year 1749," under which condition the French would have retained and reentered upon several extensive districts; and the Duke of Bedford, therefore, on their urgent representation, insisted that the draft should be altered in the definitive treaty, so that the regulating period should be thrown back to "the *commencement* of the year 1749."[2]

During the final stage of the negotiations Bedford was put at a great disadvantage by the fact that the substance of his instructions was revealed to Choiseul, the French Minister, by the Chevalier d' Eon who had got at and copied them by a trick. Bedford believed that he had been betrayed by Bute and showed his resentment by resigning the office of Privy Seal which he held and refusing the Presidency of the Council, which was then vacant owing to the death of Granville.

(1) Bedford Correspondence, vol. iii, p. 193-94.

(2) The Article as finally settled stood as follows :—

"Great Britain shall restore to France in the condition they now are, the different factories which that Crown possessed, as well on the Coast of Coromandel and Orissa, as also in Bengal at the beginning of the year 1749. And France renounces all pretensions to the acquisitions which she has made on the coast of Coromandel and Orissa;" (Fort St David, Cuddalore and its dependencies,) "and his Most Christian Majesty shall restore on his part all that he may have conquered from Great Britain in the East Indies during the present war, and will expressly cause Natal and Tampanouly" (Bencoolen) "in the Island of Sumatra, to be restored. And he further engages not to erect fortifications, or to keep troops in any part of the dominions of the Subadar of Bengal; and in order to preserve future peace on the coast of Coromandel and Orissa, the English and French shall acknowledge Mohammed Ali Khan for legitimate Nabob of the Carnatic, and Salabut Jung for legitimate Subadar of the Deccan, and both parties shall renounce all demands and pretension of satisfaction, with which they might charge each other or their Indian allies, for the depredation or pillage committed on either side during the war."

"The French ministers," says Lord Russell, "demurred. The Duke of Bedford said, in that case he could only demand his passports, and lay his case before Parliament. The Duc de Choiseul knew his firmness, respected his straightforward character and yielded the point."[1]

The Article as ultimately agreed upon, was clearly intended upon both sides to be at once a compromise, and a pledge of future non-intervention. Mahomed Ali, who from the first had attached himself to British interests, was now recognised by the French. Salabut Jung, on the other hand, who owed his elevation to Bussy, and had always been friendly to the French and obedient to their influence, while his brother Nizam Ali was hostile to them, was acknowledged by the British as Nizam Subadar of the Deccan.[2] But, although the French Government, after some years of war, and after exhausting all the resources of diplomacy, consented to give up the contest in Southern India by recognising our ally, it does not at all follow that they could by any means have been induced at that time to consent to our taking possession and assuming the sovereignty of the Carnatic, any more than France and Russia, though agreeing to place the Ionian Republic under British protection, would have consented in 1815 to resign those islands to Great Britain in full possession and sovereignty,—any more than Great Britain, Spain, and

(1) Bedford Correspondence, Introduction, p. xxiii.

(2) It so happened that while the negotiations were proceeding in Europe, Salabut Jung was dethroned and imprisoned by his brother, Nizam Ali, who put him to death as soon as the terms of the treaty of Paris became known (Mill's *History*, Book iv, chapters iii, iv, and viii.)

(Additional Note by Editor)—Nizam Ali who had already rebelled against his brother, and treacherously intrigued with the Marathas and got the support of Ibrahim Khan Gardi and a train of artillery, had taken Aurangabad and marched on Hyderabad itself during the absence of Salabat Jang at Masulipatam. Salabat Jang was forced to accept Nizam Ali as his diwan. The latter allied himself with the English and brought about an open rupture with the Marathas (in the end of 1759) who defeated the Mughals near Udgir and forced them to surrender Asirgarh, Bijapur, Ahmadnagar and Burhanpur and lands worth annually 62 lakhs (January 1760). After this disaster, Salabat Jang became more of a puppet than ever; and Nizam Ali usurped the entire power of the government. After the Maratha disaster at Panipat (January, 1761), he prepared to advance with a large army on Poona and got some concessions from the Marathas by a treaty in 1762. On his return to Bidar, he imprisoned Salabat Jang in July (14th Zilhijja, H H. 1125). About 15 months later, i. e. in October, 1763, he completed the process of his usurpation by getting Salabat Jang murdered.

Austria, though tolerating, and perhaps approving of the occupation, would now, as a matter of course, consent to the French assuming the sovereignty of Mexico. It has been remarked by one of the ablest modern writers on History and Politics as a science, that at the epoch of the Peace of Paris, the French by no means despaired of regaining their share of influence and power on the continent of India. "In the East," says Heeren, "from the time England established herself in Bengal, (1763) the preponderance was clearly in her favour. France, nevertheless, still retained hopes of being able to restore the balance."[1] It is quite clear that, by the treaty of Paris, the French Government not only did not acknowledge British sovereignty in the Carnatic, but actually joined with Great Britain in effecting a settlement which forbade and precluded the assumption of British sovereignty.[2] And they have never consented to that settlement being disturbed; they have no official cognisance of its ever having been disturbed.

Some writers on international law, and some eminent diplomatists, have on particular occasions upheld the position that the specific provisions of previous treaties are annulled by war, unless expressly renewed and confirmed by the terms of the subsequent treaty of peace. But this principle has seldom been maintained in argument, and never practically enforced, without considerable limitations and exceptions. On the other hand many celebrated jurists have declared that, although suspended during hostilities, all old established treaties,—if not absolutely and mainfestly incompatible with an altered state of affairs produced by the war, and recognised by the new treaty,—are

(1) Heeren's Historical Treatises, Oxford, 1836, p. 338.

(2) [Ed.] Mill remarks on the treaty that "in the distribution of the advantages of the Carnatic sovereignty, for such it might now be truly deemed, as scarcely even a nominal subjection was acknowledged either to the Subahdar of the Deccan or to the Emperor himself, the English imagined they had not as yet appropriated to themselves the appropriate share."

The two clauses in article XI of the Treaty of Paris limiting the armed force which the French might maintain on the Coromandel coast and excluding them altogether from Bengal and the Northern Circars, except in the capacity of merchants, were inserted largelythrough the instrumentality of Clive, who was then in England'

revived in full force on the conclusion of peace. Thus Vattel pronounces that " to take up arms for a fresh cause is no breach of the treaty of peace." "It is of great importance to draw a proper distinction between a new war and the breach of an existing treaty of peace, because the rights acquired by such treaty still subsist, notwithstanding the new war".[1]

The more matured and modern doctrine seems to be that which was eventually admitted on both sides during the negotiations at Ghent, which preceded the Treaty of Peace between Great Britain and the United States in 1815, namely, that there were treaties and parts of treaties, which, by their nature, are irrevocable and unalterable, while other treaties, or some of their particular stipulations, may be fairly said to have expired by lapse of time, or by the force of unforeseen circumstances. The English plenipotentiaries on this occasion, at first asserted that certain privileges of fishing off the coast of Newfoundland, secured to American citizens by the treaty of 1783, were abrogated by the recent war.[2] The Americans protested against

(1) Vattel, book iv, Chap. iv, London, 1811, pp. 446, 447.

(2) [Ed.] Upon the separation of the U. S. A. from England, the treaty of 1783 secured to the subjects of the former state, certain fishery privileges upon the coasts of Newfoundland, Nova Scotia and Labrador. After the war of 1812 it was in dispute whether the article (dealing with these privileges) in the 1783 treaty, was merely regulatory, or whether it operated by way of grant, its effect being in the one case merely suspended by the war, while in the other, the article was altogether abrogated. The U. S. A. delegates at Ghent argued that the treaty of 1783 recognised the right of fishery, of which it was the subject, as a right which, having before the independenece of the United States, been enjoyed in common by all the inhabitants of the British possessions in North America as attendant on the territory, remained attendant, after the acquisition of independence, upon that portion of the territory which became the United States, in common with that which still lay under the dominion of England;" and that the separation of a new state from an old one did not involve "the loss, on the part of the inhabitants of the new state, of local rights of property within the territary remaining to the old state. And it was claimed that both the old and the new states had, after separation, a right of "common enjoyment of property irrespectively of its local position, which had previously been enjoyed in common by the subjects of the original state." England contended that "the claim of an independent state to occupy and use at its discretion any part of the territary of another without compensation or corresponding indulgence, cannot rest an any other foundation than conventional stipulation.' The controversy was ended by a treaty of 1818 in which "the indefensible American pretension was abandoned and fishery rights were accepted by the United States as having been acquired by contract." The English view was accpted by Mr. Dana, as agent of the United States, before the Halifax Fishery Commission in 1878 who said that "the meaning of the treaty is that, having claimed 'the right of fishing' as a right inherent in us, we no larger claimed it as a

this rule; and contended that this treaty, containing the first general recognition of their independence, their territorial boundaries and the other fundamental bases of their separate existence as a sovereign state, was intended, and must be considered to be of perpetual and unchangeable obligation.

"It is to be observed," says Sir Robert Phillimore, referring to this discussion, in his Commentaries on International Law, "that England did not wholly traverse this allegation, but denied the application of this principle to the provision relating to the Fisheries."

"It appears" he continues, "to the writer of these pages, that the doctrine intended to be conveyed in the English note was in harmony with that conveyed in the text, namely, the doctrine that there is a distinction between the parts of a Treaty which recognised a principle and object of permanent policy, and the parts which related to objects of passing and temporary expediency."[1]

"Nor is this doctrine at variance with the opinion of Mr. Wheaton himself, who says in one part of his *Elements*:—

"General compacts between nations may be divided into what are called *Transitory Conventions*, and *Treaties* properly so termed. The first are perpetual in their nature, so that being once carried into effect, they subsist independently of any change in the sovereignty and form of government of the contracting parties; and although their operation may in some cases be suspended during war, they revive on the return of peace,

right which cannot be taken away from us but at the point of the bayonet.'' W. E. Hall. *International Law* (5th ed.)—pp. 94-5; and *British and Foreign State Papers* VII.

(1) [Ed.] Hall remarks that Phillimore does not very clearly indicate the boundaries between the two classes, the former of which are to remain in operation during and after war, and the latter are to be annulled.

without any express stipulation. Such are Treaties of *cession*, boundary, or exchange of territory."[1]

The same distinguished authority, Wheaton, in another passage, still more pertinent to our inquiry, remarked that "the reasoning of England seemed to confine the perpetuity of obligation to recognitions and acknowledgments of title."[2] It is precisely within this category of "recognitions and acknowledgments of title," that Article XI of the treaty of Paris must be classed. This Article was, as pointed out by the Court of Directors in their letter to Fort St. George of the 9th March 1763, at once a recognition and acknowledgment of Mahomed Ali's title as legitimate Sovereign of the Carnatic, and of our title to the territories held under grant from that Prince.[3] Indeed, from the peculiar terms of the Article, this recognition might well be held as a guaranty of the sovereignty to the family of Wallajah by the two great European powers. And the contemporary English historian, fully qualified to represent the general opinion of the day, seems to have taken exactly this view of the Nawab Wallajah's position.

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(1) Phillimore (R. J.) Commentaries on International Law, vol. iii, pp. 668.9. [Additional Note-Ed.] It is not unanimously settled what treaties are annulled or suspended by war and what remain in force during its continuance or revive at its conclusion. According to Vattell, "all treaties are annulled except in so far as they are concluded with the express object of regulating the conduct of the parties while hostilities last." According to Sir Travers Twiss, transitory conventions which set up a permanent state of things by an act done once for all, such as treaties of cession or boundary or those which create a servitude in favour of one nation within the territory of another, are "less of the nature of an agreement than of a recognition of a right already existing." Such are therefore in no case destroyed or suspended by war. An American Judge declared that "if treaties which contemplate a permanent arrangement of territorial or other national rights were extinguished by the event of war, even the treaty of 1783 so *far* as it fixed our limits and acknowledged our independence would be gone." There are others who hold that all treaties remain binding unless their terms imply the existence of peace or unless the reason for their stipulation is destroyed by the war."

(2) Wheaton's Elements, p. 341, quoted in Phillimore's Commentaries, vol. iii p. 668.

(3) I have already extracted this passage at p. 109, but I annex it here for more easy reference:—"A farther advantage we hope to derive from the recognition of this Prince" (the Nawab) "and of Salabut Jung" (the Nizam) "whose title you will see is also acknowledged, is *that it is a confirmation of our title to the territories we hold under grants from those Princes*, and a farther security to the peace of the country, leaving the French no colour to interpose hereafter in favour of any other pretenders *to the sovereignty of the Deccan or theCarnatic*."

"His nabobship being guaranteed to him by the late definitive treaty between Great Britain and France, he possesses a greater security of power than any other Prince in Asia."

"The Carnatic has lately been an important scene of war and the circumstance of the Nabob of Arcot being the first Asiatic Prince who had his dominions guaranteed to him in Europe, renders him an object of public attention, exclusive of his unsullied reputation for honour and fidelity to the British nation."[1]

The provisions of Article XI of the Treaty of Paris involving "a principle and object of permanent policy,"[2] "relating to cession, boundary, and exchange of territory",[3] and to "recognitions and acknowledgments of title,"[4] are clearly of perpetual obligation. And in making use of this term,—"perpetual obligation,"—I am very far from asserting that these provisions were, or are utterly incapable for ever of alteration,—that they could not be modified or nullified by conquest or compact, by mutual consent, or, for good cause shown, by due notice and warning to the parties concerned. All that I assert is this,—and I am quite confident that no jurist in Europe would controvert it,—that there having been no subsequent modification by war, or conquest, or compact; no consent having been given by any of the parties concerned; no notice or warning having been communicated to any of those parties; even the ordinary means of public exposition by a manifesto or proclamation having been neglected or avoided; the provisions of Article XI of the Treaty of Paris, and also the provisions of the treaty of 1768 with the Nizam, and of the treaty concluded with Azeem-ood-dowla in 1801, [5] being by their nature and essence of perpetual obligation, are still in full force, and are binding upon

(1) Dow's Hindostan, 1770, vol. ii, pp. 396, 398.
(2) Phillimore, *ante*, p. 358.
(3) Wheaton, *ante*, p. 359.
(4) Wheaton, *ante*, p. 359.
(5) It must always be borne in mind that by Article 11 of this treaty, all the favourable provisions of former treaties between the Nawabs and the Company, were expressly renewed and confirmed. *Ante*, p. 66.

all parties; and that any suspension of these provisions, especially under the continuous protest of the injured party, is simply a wrongful and contumacious act, of no effect towards the acquisition of a title or the extinction of adverse rights, but affording fair ground for remonstrance and intervention to any power who may be interested in the maintenance of those provisions.

And it has just been remarked, that the provisions of Article XI of the treaty of Paris amount to a guaranty of the Carnatic musnud to the Wallajah family, by Great Britain and France. Now, it is precisely in cases where a guaranty has been given, and where the interests of third parties are concerned, that remonstrance and intervention are unanimously pronounced by the greatest judicial authorities to be justifiable and obligatory.[1]

"Treaties," says Sir Robert Phillimore, "may concern not only the contracting parties, but third parties, who may or may not be literally contracting parties in the first instance, but the protection of whose interests or the maintenance of whose *status*, may be the object of the treaty."[2] And this distinguished jurist explains in another part of his Commentaries that every State may in certain circumstances be under "the necessity of intervening in the relations, and, to a certain extent, of controlling the conduct of other States; and this where the interest of the *intervener* is not immediately and directly, but mediately and indirectly affected." And among the circumstances and sanctions which, by the common consent and practice, of nations appear to

(1) [Ed.] According to Hall, authority and practice would not enable the fact of war to make any difference in the binding force of treaties, such as territorial settlements and dynastic arrangements "intended to set up a permanent state of things by an act done once for all in which the belligerent parties have contracted with third powers as well as with each other"; while treaties stipulating for continuous acts or for acts to be done in certain contingencies, such, for example, as treaties of guarantee, should remain equally obligatory, subject to the condition that there shall be a reasonable possibility of carrying out their provisions. But as these provisions like guarantee, require performance of acts, compliance may be readily inconsistent with a state of war or with the incidents of a particular war; and circumstances alone can determine whether treaties of this kind can be viewed as continuing or as being suspended (Part III. Ch. I).

2. Commentaries, vol. ii. p. 70.

justify this intervention, he enumerates "the Rights and Duties of a Guarantee."[1]

And the same author declares that even "the general right incident to every State of adopting whatever form of government, whatever political and civil institutions, and whatever rules she may please,"[2] is subject to a limitation "in the instance of a *guaranty* given by a foreign nation, either *generally* to secure the inviolability of the provisions of a particular treaty, or *specially* to support a particular constitution or form of government established in another country, or to secure some particular possession, or other individual object appertaining to it."[3]

Both the French treaty of 1763, and the Nizam's treaty of 1768, contain just such a guaranty in favour of the Wallajah family, just such a security for their possessions, as seems to be contemplated by Sir Robert Phillimore in the passage last quoted. And I think I may now claim to have made it abundantly clear, that those same provisions of the treaty of Paris,—hailed by the Court of Directors as at once confirming Mahomed Ali's title, and the British title to possessions held under that Sovereign's grant, and as "leaving the French no colour to interpose hereafter,"[4]—do now, in their actual state of wrongful suspension, leave the French the very best possible colour to interpose, and would justify such an interposition by the established canons of international law.

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1. Ditto, vol. i. p. 434.
2. Ditto. vol. i p. 435.
3. Commentaries. vol. i. p. 111. (Additional note by Editor)—When a guarantee is given by one or two or more states, it must be acted upon at the demand of the country benefited, "unless such action would constitute a clear infraction of the universally recognised principles and rules of international law, unless it would be inconsistent with an engagement previously entered into with another power, or unless the circumstances giving rise to the call upon the guaranteeing power are of the nature of internal political charges;—a guarantee given to a particular dynasty, for example, is good only against external foes and not against the effects of revolution at home, unless the latter object be specifically mentioned, and then only subject to the limitations before mentioned. It need scarcely be added that the fulfilment of the guarantee must be possible" (Hall). Bluntschli thinks that a guarantee falls to the ground "when it is irreconcilable with *les progres du droit international*." How far the Carnatic case is a fit subject for intervention by third parties to the guarantee contained in the Treaty of Paris can be considered even academically out of court in 1854 or 1868.
4. *Ante*, p. 109, and note, p. 40.

It may undoubtedly be urged with considerable effect, that my appeal to international law is extravagant and delusive; that the treaty of 1763 has expired by lapse of time, by force of altered circumstances and subsequent war, and for want of special renewal in the last treaty of peace; and that any French interposition, founded on its provisions, would be a transparently dishonest pretext for premeditated hostilities. [1]

-I am not prepared to abandon easily the position which I have taken up, and which I believe is susceptible of being strengthened by many additional facts and illustrations. For instance, our Government, in the matter of the Spanish marriages in 1846, maintained that France was still bound by the stipulations of the treaty of Utrecht (1713), notwithstanding the several wars, revolutions, and changes of dynasty, and the want of specific renewal in treaties of peace since its conclusion. [2]

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(1) [Ed.] Sir George Barlow, then a member of the Supreme Council of India, writing on the policy of the Treaty of Bassein, on the 12th July 1803, says of the fear of French machinations thus:—"With respect to the French, supposing the present quesfions in Europe not to lead to an immediate rupture, we are now certain that the whole course of their policy has for its object the subversion of the British Empire in India and that at no distant period of time they will put their plans in execution. It is absolutely necessary for the defeat of those designs that no native state should be left to exist in India which is not upheld by the British power, or the political conduct of which is not under its absolute control." This attitude is a fair sample of the stand of the British Indian administrators being apprehensive of pro-French tendencies exhibited, directly or indirectly, by any power whose destruction they immediately decided on.

(2) Phillimore's Commentaries, passim. And see a pamphlet and postscript, *Considerations on the Montpensier Marriage* (Ridgway, 1846-7), attributed to Lord William Hervey, Secretary of Legation at Paris, and quoted with approval in Phillimore's *Commentaries*.

[Add. Note by Ed.] The quesfion of the marriage of Queen Isabel of Spain was made a matter of interest for themselves by England and France—the ex-Regent Cristina being prepared to sanction the marriages of her daughters, Queen Isabel and the Infanta Maria Luisa Fernanda to the French King's sons, the Duc d'. Aumale and the Duc de Montpensier. This proposal was withdrawn at the request of the British Government which undertook, in its turn, to abandon the candidature of Prince Leopold of Saxe-Coburg, a cousin of Queen Victoria and of Prince Albert. Guizot, the French Premier, brought again in a modified form the French project, and proposed that the choice of Isabel's husband might be postponed, but that the Duc de Montpensier should marry the Infanta Maria Luisa Fernanda, which would have made Montpensier King-Consort of Spain, if Isabel had died without issue. The English Minister, Palmerston, declined it; but later, when Peel had ascended to power, and Queen Victoria and Prince Albert visited Louis Philippe, it was agreed that the British Government should refrain from promoting the candidature of any prince, not of the Spanish Bourbon line, and that, after the succession to the Spanish throne had been secured, Montpensier should be free to marry the Infanta Maria Luisa. When these negotiations were in progress between the English and French

And we are now charging Russia with a breach of the treaty of Vienna, regardless of the revolutionary war of Poland in 1830, and of the Crimean war; although that treaty was not renewed, or even mentioned, in the treaty of peace of 1856. Both German and Danish politicians, and disinterested European diplomatists, are in these very days referring to a treaty of A.D. 1460, and even to the Decretals of Charlemagne, to decide on the rights of succession to the sovereignty in Schleswig Holstein, and on the popular privileges of those duchies.[1] But the absolute validity

Foreign Offices, the marriage of Queen Isabel became a party question in Spain and the Austrian and Prussian Governments supported another candidate, the Count of Montemolin, Don Carlos. After several domestic changes in government, Queen Cristina, acting with King Louis-Philippe without delay, arranged for the marriages of Queen Isabel with Don Francisco de Asis and of the Infanta with the Duc de Montpensier. This compact was a manifest breach of the agreement between Louis Philippe and Queen Victoria; but Guizot pleaded that "neither the Queen nor the Infanta should marry out of the Bourbon family according to the compact and that Palmerston had vitiated the compact by secretly supporting the candidature of Leopold of Saxe-Coburg. The marriages were actually celebrated in October 1846 and Louis Philippe and Queen Cristina both expected that Queen Isabel would bear her husband no children and Montpensier would become King Consort of the Infanta; and thus French influence would be permanently established in Spain, contrary to the old provision of the treaties of Utrecht when, at Madrid, in 1712, in the presence of the Cortes, Philip V of Spain, the grandson of Louis XIV of France, swore on the Gospel that he, for himself and for his descendants, solemnly renounced the throne of France. The document of renunciation had been carefully prepared and passed by the jurists of many countries. Philip V had, finally at the close of the Spanish Succession war, to choose between the alternatives of abandoning Spain with the promise of an Italian kingdom composed of Savoy and Sicily or retaining Spain by renouncing France, between which and himself, as matters then stood, lay "only on fragile barrier, the life of a feeble infant", he having been, by letters patent, registered in the Parlement of Paris, while King of Spain, as the next heir to the French throne.

(1) [Ed.] Schleswig and Holstein both contained a large German population; and Holstein was a member of the German Bund. Both were hostile to Danish rule; and the question was complicated by the prospect of a disputed succession. Females were entitled to succeed in Denmark, but could not do so in the two Duchies. In 1846, Christian VIII of Denmark, whose only son was unlikely to have any children, issued a decree, the *offene briefe*, declaring the whole Danish state to be indivisible and to be heritable by females also. This excluded the Duke of Augustenberg, the nearest male heir, who had hoped to succeed to the Duchies on the extinction of the Danish male line. Christian VIII died in 1848 and was succeeded by his son, Frederick VII, who issued a constitution in 1855 to the Duchies to allay their discontent. The treaty of London of 1852 guranteed the unity of the Danish monarchy and promised the succession to Christian of Glucksburg whose daughter Alexandra was to marry the English Prince of Wales. There were disputes between the German Bund which had never accepted the London treaty and Denmark where a strong Danish party had been influential. The death of Frederick VII in 1863 and the accession of Christian of Glucksburg as Christian IX, in Denmark were followed by Frederick of Augustenberg putting forward a claim to the Duchies which his father had been compelled to renounce after the treaty of London. The personal union between Denmark and the Duchies which had subsisted since 1460 was dissolved; and Frederick could count upon the sympathy of the German Bund and the active support of the Holsteiners. The Danes had issued a royal charter in March 1863 by

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of the argument, and the strictly legal justification of the supposed French intervention, are really points which I am not concerned to press. If I have shown the possibility of a plausible remonstrance, I have done all that is necessary for my case. Every experienced Indian official, however much he might combat my general views, would, I am sure, agree with me here,—that the mischief would be done by a remonstrance; that if once the native Princes and people were assured, at some critical period, of a strong interest in their affairs, and in the destinies of India, manifested by a great European power, a serious shock would be given to British supremacy, and our influence would commence to decline. A most damaging effect might be produced at the proper opportunity, without any hostilities, or menace of hostilities, or unfriendly demonstration. No one, I presume, can doubt that we did, for a time at least, very much strengthen the hands of the Polish insurgents by our gentle inquiries and mild remonstrances.

We have set the example on many occasions,—most of them very proper occasions—of lecturing Sovereigns on the duties of mercy and conciliation, of deprecating political severities, and advocating amnesties and concessions. Some day our lessons of humanity may be retorted upon us with crushing effect. There are two inevitable fatalities of our rule in India,—as of every nation whose destiny it has been to rule an alien race—the first, that we shall never have a general or very extensive rebellion, without atrocities; the second, that we shall never put down a rebellion, without employing atrocities for the purpose—not perhaps deliberately by the orders of Government, but in the stress and agony of each local reign of terror, and in the fury of retaliation. I am not here apportioning either blame or approval; the question does not require me to do so. That such have been

which Schleswig became a mere Danish province, contrary to the London protocol and Holstein was given a new constitution without its representatives being consulted; and this charter was put into force by Christian IX on his accession in November 1863. War was declared by the German Bund in December, with very significant consequences.

the phenomena of every important rebellion, in every part of the world, down to the present day, and that they are likely to reappear in any future Indian rebellion, will not, I think, be disputed. And it will hardly be disputed that the display of these phenomena in any part of the Empire, can never contribute to the honour of the British Crown and nation, and might afford a subject of reproach against us to our enemies and rivals.

Some people may say that it would be very difficult to get up the slightest interest or excitement about India, in France or any other country of Europe. I am not of that opinion. I am rather inclined to think that a more lively interest in Indian politics is felt in France and Germany, than in Great Britain; and that a selfish familiarity has bred something like contempt among us, for that wonderful continent, and for the races who had built its renowned cities, cultivated its vast plains, and constructed stupendous works of public utility, long before the era of our commercial and official occupation. [1] Political foresight cannot exist, except under the influence of the imagination and the generous emotions. Perhaps the arrogance of race, the distatorial habits, and the supercilious feelings in which we English indulge, may blind us to the latent energies of the Indian people, and conceal from us—even when the curtain is about to rise,—the part they yet may play in the world's drama. An impartial foreigner, informed by history,—which we despise—and inspired by high thoughts and human sympathies,—which we should reject as romantic illusions—may be better qualified than any of us, to appreciate the present capacity of the Indian people, and even to forecast their future destinies.

Our human interest in the social and political progress of India—apart from that interest that may be called national and selfish,—has been so deadened by the satiety and security of long

(1) "The French and Germans," said Reschid Pasha to Mr. Senior, "think that the strength of England is in India; that if you lose India you sink into a secondary power like Holland." (Senior's *Journal in Turkey*, p. 117, quoted in *The Empire*, by Professor Goldwin Smith, p. 257.). I agree with Mr. Senior and Professor Goldwin Smith, that this is a great mistake; but it bears witness to the ordinary continental opinion of the importance and value of India to Great Britain.

possession, that it would sometimes appear as if nothing less than a terrible war or a bloody rebellion, could make us realise the weight of our moral obligations. The events of 1857 did rouse the nation to something like enthusiasm, and under its influence—and in spite of the irresistible exasperation of the hour,—many noble principles were avowed by statesmen of all parties, some of which were embodied in the Royal Proclamation; the great measure of replacing the delegated authority of the Company by Her Majesty's direct rule, which in ordinary times would have met with a formidable opposition, and with no cordial support, was successfully carried through Parliament; and an Imperial system for the first time became possible.

But the excitement soon died away, upon the restoration of order. When none but financial difficulties remained, and when even these were surmounted, the season of self-complacent apathy set in once more. We have sung "Te Deum" so often, and so long, over our military and administrative triumphs, that we seem to have forgotten the check and the humiliation, the fearful cost and the permanent loss; we seem not to perceive how much for which the rebels were instinctively fighting, has been conceded, how much of the fruits of victory remain with the vanquished.

It would be easy to adduce evidence from the political literature of the continent during the last five years, that foreign politicians, more dispassionate, and less biassed than we are, comprehend very clearly that the Indian Empire has entered on a new phase of its existence; and that they are watching the course of events with very considerable interest. Of course, just as our attention to Indian affairs is roused, and our interest heightened, by war and rebellion, while it slackens during peace and prosperity, so it must be among our European neighbours. The most unexpected combinations might present themselves during a general war. Our insular position renders us peculiarly unassailable at home; and we have been accused of abusing this advantage, both by opportune aggressions, when anything was to

be gained, and by selfish abstention and isolation, when no immediate profit was in view. A hostile or rival power might therefore be induced, or compelled, to turn to India, to find the means of annoyance and retaliation, to occupy and divert our strength,—or to convince us, by judicious pressure, without war, of the "solidarity" of our fortunes with his own.

With a little more gallantry, with a few positive exploits added to his negative strategic feats, Tantia Topee would soon have become a Hindoo Garibaldi. Indeed, about the time of his capture, he was becoming an object of interest in Europe; and a few months more of his daring raid through Central India,—even though amounting only to a successful evasion of our forces,—would have raised that interest to a much higher pitch. Of course, I would not for a moment compare the deeds or the motives of the Brahmin rebel, with those of the Italian patriot; though I dare say the Pope, the Emperor of Austria, the King of Naples, and their adherents, do not look upon Garibaldi with much more respect and admiration, than we do upon Tantia Topee. But distance lends enchantment to the view. And it is not a very wild supposition that some day there might be a Tantia Topee of a higher type, of greater talents and of loftier character, with a better cause and a better cry before the world; there might be a rebellion with a more definite and comprehensible origin and object than that of 1857. There are signs that India is becoming conscious and reflective. If we despise those signs, there may be "an idea" about India yet.

By the treaty of Vienna, the French Government is bound not to erect fortifications upon any of its Indian settlements, nor to maintain in them "a larger number of troops than are necessary for the purposes of police." This stipulation is very indefinite and discretionary. During the crisis of 1857, the military force af Pondicherry, usually consisting of two hundred sepoys, was strengthened by a detachment of French soldiers, which has not, I believe, been withdrawn from that post since the

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restoration of tranquillity. In the midst of the alarm and anxiety of a great political and social convulsion, it would not be easy to calculate the exact number of troops required "for the police" of the French possessions. Another still more formidable rebellion, especially if it had originated, or were complicated, by a war with one or more of the native Princes,—might reasonably alarm France for the safety of her own "foot-holds." She might even feel compelled to turn one of her foot-holds into a stronghold. It would be difficult to enforce the restrictions of the treaty, if the honour of the French flag were threatened, either by a rebel force, or by the army of a native Prince. We might not, for the moment, be in a position to offer assistance; or the offer—an offer of the military occupation of French territory,—might be declined with thanks.

Perhaps the terms of disarmament imposed upon the French settlements, are counted among those parts of the treaties of Vienna which have "crumbled away," or from which British encroachments—for instance, this very matter of the Carnatic—have taken away all the binding obligation. There were no such disabilities in the treaty of Amiens. Or, even if their nullity has not already been pronounced *in petto*,—to be asserted openly, or quietly included, at the first convenient occasion,—their reimposition, after they had been infringed with our consent or acquiescence; during troublous times, might be found to be quite unsuitable to the epoch, or incompatible with the honour of a great power.

But is there not an idea about India already? Is there not an old and permanent idea about India and the East,—older than General Bonaparte's invasion of Egypt and correspondence with Tippoo Sultan,—and of which the permanency may be suspected from the favour shown to the Suez Canal scheme;[1] from

(1) [Ed.] The Suez Canal scheme had been abandoned by Napoleon and pronounced impracticable by Robert Stephenson in 1846. In 1854 Ferdinand de Lesseps obtained from Said Pasha a preliminary concession for the scheme which was then modified by an international commission composed of the representatives of seven powers. Palmerston objected to the establishment of a powerful French Company in

the expeditions to Annam and to Syria; from the officious help pressed upon Great Britain in China;[2] and from the costly line of mail steamers,—based on a very small trade and a very large subsidy—recently established in the Red Sea and the Indian Ocean? Indeed, I am perversely disposed to see the permanency of the French idea still more transparently exhibited in the two friendly offers made by the Emperor, on the arrival of the most alarming news from India in 1857, of a body of troops to assist in suppressing the rebellion and of safe transit for our own reinforcements through French territory to Marseilles. Even the sympathetic paragraphs in the *Moniteur*, alluding to these friendly offers, and declaring the complete suppression of the rebellion to be essential to the progress and civilisation of the world, tend rather to confirm than to dispel my feelings of distrust.

The first Napoleon's hankerings after Syria and Egypt, his aspirations after "ships, colonies and commerce," did not originate with him; they were thoroughly French; he inherited them from his predecessors, the Kings; they have descended in full force to his successor, the present Emperor.

We may deride such aspirations; we may boast that our colonies are the fruit of genuine emigration and national enterprise; that the richest Provinces of our Indian Empire were acquired involuntarily, in the process of self-defence, by a mercantile Company, against the wishes of the home authorities; and that our trade and our merchant navy—the foundation of our maritime strength—are the natural growth of the people's genius, and owe nothing to governmental interference. Perhaps we are rather disposed to underrate our obligations to the

Egypt; and he and Stratford Canning believed that the scheme was but "a continuation of the old struggle between France and Britain for the control of the East." Lesseps began the actual work of cutting the canal in 1859, in spite of English opposition and without the formal approval of the Porte.

(2) [Ed.] Referring to the help given to the English late in 1857 in the war for the securing of the safety of the Christian missions in China and ended by the Treaty of Tientsin (June 1858); and to the Indo-Chinese expedition of Sep. 1858 and to the Crusade which was in preparation at the end of 1859 for the Maronites of Syria. There was also the Anglo-French expedition to China of 1860, as well as the attack of the French fleet on the Emperor of Annam in 1861.

Government; but on the whole this immemorial distinction may be drawn between the two nations; that in France political action, domestic and external, proceeds from the Government,—in England from the people. So long as the ruling power is strong and active, the French believe in it, trust it, and submit to it, much more than the English do. The fact is that in France, as in other European countries blessed with the same gigantic apparatus of centralisation, a larger proportion of the national intellect and ability is found in the ranks of the official hierarchy, than in Great Britain,—not simply as a consequence of greater numbers, but on account of the better prospects and higher career that are open to men of talent. Many a French Minister, many a French Ambassador, has begun life as clerk in a public office. No such promotion has ever been known, or is likely to take place in England.[1] The official class in France, stronger than ours in number, in talent and in social consideration, and yet more popular in its origin,[2] forms a most important element in the national life, and exercises a direct power and a pervading influence over the supreme ruler and his immediate advisers, and over the press and the people, to which no parallel or analogy can be found in Great Britain. And thus it is that French foreign policy is so persistent and traditional, and that French public opinion on foreign affairs is always in the main the official opinion.

There can be no doubt that the Indian idea exists in the French bureaux in a very perfect form, feathered and armed, and ready for display, whenever an appropriate crisis may arrive. A treasure of documents, protocols, capitulations, and other *pièces justificatives*, could be produced from the national archives;

1. Our popular institutions, and the powerful influence of the press, produce an effect on the prospects of our Civil Service, that is decidedly prejudicial to their interests, and exactly contrary in its results to the general tendency of the French administrative system; for, to satisfy claims established in our elective chamber, or in submission to the pressure from without, our Government occasionally interpolates an outsider into one of the highest permanent posts in some public office, over the heads of all the old servants of the department.

2. [Ed.] The French Civil Service is much more extensive than the English one.

and complete plans for active operations, founded on the best information, from the earliest period up to the present day, would certainly not be wanting, if matters ever arrived at that height.

The present Emperor, as I have already remarked, has adhered very closely to the traditional French policy in the East; and the following passage from his speech on opening the Legislative Chambers in November 1863, does not show any intention of departing from it :—

"The distant expeditions which have been the subject of so much criticism have not been the result of any premeditated plan; they have been brought about by the force of circumstances; and yet they are not to be regretted. How, in fact, could we develop our foreign commerce if, on the one hand, we were to relinquish all influence in America; and if, on the other, in presence of the vast territory occupied by the Spaniards and the Dutch, France was to remain alone without possessions in the seas of Asia."[1]

There is a singular reticence in this declaration; for surely there is a power in "the seas of Asia" of much greater importance than either the Spanish or the Dutch power; another nation occupies a territory in the East, much more "vast", and infinitely more wealthy, than all "the possessions of the Spaniards and Dutch" combined. No allusion to that power, or to its Eastern dominions, is made in this part of the Imperial speech; but some people have learned to consider Louis Napoleon's

(1) [Ed.] The Emperor Napoleon III delivered the following remarks in the speech from the throne, before the Chambers at the end of 1864 :—"All our expeditions are attaining their objects. Our land forces have evacuated China; our fleets are sufficient to protect our establishments in Cochin-China; our armies in Africa are about to be reduced; that in Mexico is re-entering France. . . . In closing the gates of the 'Temple of Janus, we may proudly inscribe on a new Arch of Triumph': To the glory of the French arms for their victories in Europe, Asia, Africa and America." This was the strain of triumphant ecstasy in which the current spirit of French Imperialism frequently expressed itself. In that very year, 1864, Napoleon had helped the English once more to get the better of Chinese fanaticism at Nanking, as he had done at Peking in 1860. In 1861 the French had taken away from the Emperor of Annam three provinces and got in the next year the protectorate of Christian churches and missionaries in Indo-China.

silence as more expressive and more ominous than the most explicit avowal of his intentions.

The loss of Poland would certainly not destroy or impair the power of Russia in the East. Without Poland, the Russian Empire would still include a population of fifty millions. The irreconcileable and unconquerable hatred of the Poles, and the European opinion in their favour, would obviously make the loss irretrievable and final; all hope of aggrandisement and dominant influence in the West would disappear for ever; and an expansion of Russian interests and influence in the East, would appear to be among the necessary consequences of the alteration of her frontiers, and diversion of her strength. Relieved from a heavy burden and constant source of anxiety in the West, the real amount of her military force disposable in the opposite direction would be absolutely augmented.[1]

We may have made an awkward precedent by our ostentatious declaration of neutrality on the breaking out of the slave-holders' aggressive rebellion in the United States, and by our prompt acknowledgment of the Confederates as lawful belligerents. This precedent would of course be very much strengthened, if France or England, or both powers combined, were—as has been urged upon them—to recognise the belligerent position of the Polish insurgents [2]. There are several native Princes in India, whose status as Sovereign powers, and whose right of

(1) [Ed.] The Russophobia that then infected very strongly British and Anglo-Indian statesmen had been generated by the Treaty of Tilsit between Napoleon I and the Czar Alexander, and fanned into a flame by events culminating in the Crimean War. Ever since the time of Peter the Great, the Russians had been endeavouring to obtain a footing on the Oxus which, they believed, could afford the easiest route to the heart of Central Asia. An apocryphal document, called "the will of Peter the Great", had been frequently said to have been utilised by Czars and Russian diplomatists to pursue a steady course of aggressive policy in Asia The Russian advance across the Kirghiz Steppes between 1846 and 1858 and attacks on Khokband and Bukhara between 1858 and 1869, culminated in Kaufmann's occupation of Khiva in 1873. At the time of Major Bell's publication of this letter, the cardinal point of the whole Asiatic question was becoming fixed in Afghanistan towards whose domination both Russia and Britain were then converging.

(2) I am not to be understood as objecting to the recognition of belligerent rights, either in the actual instance of the slave-holding Confederacy, or in the contingent instance of Poland. I am not arguing either the moral or the international question. I simply point out that the precedent does constitute a danger for us. It may be a necessary danger, or it may be a danger worth facing.

levying war, are much more clear than those of the rebel States of America, or the anonymous National Government of Poland. Under certain circumstances a very profitable trade in arms and munitions of war might spring up; and it would be very difficult to establish an effective blockade of all the coasts in India, or even to enforce an embargo in all its ports.

I am not going to sketch out a scheme for invasion, or intervention, or intrigue in India; but I shall not be easily persuaded that all such schemes must for ever be visionary, impracticable or ineffectual. I shall not be easily persuaded that a naval expedition of 15,000 men to some suitable place of disembarkation in India, is an impossibility; or that such an expedition would not be in the least facilitated by several establishments in the Eastern seas. The difficulties and dangers of an invasion of India, by sea or land, are sufficiently obvious; but the former process has been very much simplified by the employment of steamers, and by the experience gained in the Crimean and Italian wars, and in the invasion of Mexico; while, as to the latter, I cannot understand why Nadir Shah's enterprise of 1739, or that of Ahmed Shah Abdallee twenty years later, could not be repeated in this century, with a force much smaller in numbers, but more formidable in *matériel*, mobility, and discipline, than that of the Persian or of the Affghan conqueror. Both Nadir Shah and Ahmed Shah found auxiliaries in India, and so might a European invader. Indeed, if his military chest were sufficently well supplied to enable him to pay his way without plundering, for a few months, he might soon—without counting on captured treasure or the contributions of native confederates—begin to make the war support itself by the collection of revenue.

But it must never be overlooked that even an unsuccessful invasion of India might shake the British power to its base, and, notwithstanding our apparent triumph, might disorganise the military strength, and scatter the moral elements of our adminis-

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tration. The rebellion of 1857 cost forty millions sterling; another uprising, more generally supported by the native Princes, and by European aid, would probably destroy the financial resources and credit of India, and throw a direct burden upon Great Britain. The inhuman exasperation on both sides, the waste of blood and capital, the perversion of every principle of justice, and the hopelessness of reconciling order and progress, would soon render our continued domination an utterly hateful idea both to the patriot and the philanthropist, and would disincline the great body of the nation for any further efforts or sacrifices in a cause so unprofitable and so inglorious.

At last then, it may be said, the author has betrayed himself; he appears in that miserable character of a prophet of evil, which was so eagerly disclaimed in the first page of this book. I deny it; I still disclaim that character. I have, indeed, pointed out what appear to me to be certain defects and dangers in our situation, and I have endeavoured to dispel the notion of our absolute security from European interference. But I have not attempted to predict any particular course of events. On the contrary, no one can be more impressed than I am with the belief, that the next crisis or convulsion in India will arise in some quite unnoticed quarter, and from causes as yet quite unknown or unsuspected. And if I have shown how the moral aspect of British supremacy has been marred and blotted by Lord Dalhousie's acquisitive operations,—how the spirit of that policy has led, and is still leading, to a general deterioration of title, and relaxation of pledges, and to the accumulation of scandals and grievances that may be turned hereafter into formidable engines for our annoyance,—I do so, not only as an Englishman, as a loyal subject and servant of the Crown, but as a citizen of the world, who recognises the mission confided to the British nation in India, and who believes that mission to be threatened, and its permanence endangered, by the faults which he has endeavoured to expose.

I do not fear France or Russia; but I do not run into the opposite extreme of despising either their material power, or the force of public opinion in Europe. And I object to supply topics and temptations for reproach and remonstrance. Still less do I fear the Nizam, or a coalition of native Princes. But rather than drive them into distrust and disaffection, I would rally them round the Imperial throne, both for the security of the Empire, and in the cause of civilisation and progress. I fear neither invasion nor rebellion, but I wish always to feel that the right is on our side. I wish to see every source of moral weekness, every subject of rebuke, obliterated. I desire the rights of every one to be respected, in order that our own may be strengthened. I would have the title to each Province and each village, made so clear and so secure, that we may be able to hang, or fight, all gainsayers—domestic or foreign—without compunction, with a good conscience, and with a good story for the world and for posterity.

I do not despair of the Empire in India. I should take little interest in its future, if I thought that its past and its present were all barren. It is not because we have done so little, but because we have done so much, that I wish to see our work consolidated, and naturalised. If I call for a certain measure of restitution, it is not merely for the redress of a grievance, not as a mere act of abstract justice, not as an act of contrition, but as an act of faith and hope. There is no faith, and no hope, in a policy which is afraid or ashamed to do justice, and to make restitution. That is the policy of defiance and despair. Far be it from us.

LETTER XVIII.

A GOLDEN BULL.*

London, *December*, 1863.

Is there any one who supposes that India is a source of military strength to the British Empire? Can any one fail to see that it is a serious burden in time of peace, and threatens to strike us with paralysis in time of war? It is becoming every day more difficult to recruit our army; and, as the condition of the people amends, and wages rise, it is to be hoped that recruiting may become even yet more difficult.[1] Improvements in the soldier's treatment and prospects—partly rendered necessary as an attraction for a labouring class better instructed and more prosperous than they were during the last great war, partly attributable to the growing spirit of human brotherhood—may continue to fill the ranks of the army, perhaps with a fair proportion of better men; but every amelioration of the soldier's lot, every advance in the quality of the recruit, will of course add to the costliness of the establishment. The time may not be far distant when the important and irrevocable step of raising the scale of pay, will have to be taken.[2]

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* [Ed.] Similar to the Golden Bull of Charles IV, Holy Roman Emperor, issued in 1356, which was confirmed at the Diets of Nurembug and Metz and came to be regarded as a fundamental law of the Empire.

(1) [Ed.] The establishment of European troops, numbering 75,000 men, required for its maintenance an annual recruitment of nearly 10,000 men, even though not a shot should be fired. The standard height of the infantry had to be lowered by an inch. The increasing emigration from Ireland had been marked for nearly 20 years and had taken away one of the most fruitful sources of recruitment. A permanent force of about 40,000 men in Britain was just considered sufficient to relieve and recruit the great Indian army of occupation.

(2) Until discipline can be maintained in the army—and in the navy also—without the disgusting and degrading infliction of torture; until dismissal from the service is a severe penalty and a real disgrace, instead of a boon, as at present; until each man is legally entitled to his discharge in time of peace, on giving a fair notice; our military establishments cannot be considered to stand on a safe or solid foundation. We may be entitled, even while systematic enticement and misrepresentation are practised, to boast of voluntary enlistment, but no candid person can pretend that there is voluntary service in our army.

Seventy-five thousand of these precious British soldiers are locked up in India;[1] where by death and by disease, five thousand men are annually expended, or incapacitated for work; and where all who survive, must be exposed for long years to the miserable weariness, the incurable *tædium vitae*, and all the enervating and demoralising effects of military service in tropical Asia. Seventy-five thousand men, the prime of the physical force and manhood of Great Britain—a host that, at an opportune conjuncture, might dictate terms to Europe—are to be shut up, wearing their hearts out, in their Indian prison, while, for want of their assistance, some noble cause is neglected or abandoned, while national honour is compromised or lost.[2] For not a man could be safely withdrawn from India in the event of a general war. As I have explained in the last Letter, it would probably be our most vulnerable point; and we might have to augment considerably our forces in the East,—not only in India, but in Burmah, at Aden, at Singapore and at our settlements in China.

There seems to be a very general impression that our military forces in India—both in case of a regular war, and of a rebellion—will be immensely strengthened on the completion of the railway system; that distances will then be annihilated, the delay and fatigue of marching abolished; and that our European troops being thus preserved in better health and strength, and having become practically ubiquitous, their numbers may be

(1) Eighty thousand, if we include the returning and relieving troops, the discharged men and invalids.

(2) [Ed.] The Hon. T. J. Hovell-Thurlow, in his *India under the Company and Crown* (1863), (Chap. IX, Military Department) writes thus:—"The day must come when some yet hidden cause will operate in the reduction of our British force in India. It cannot be supposed that England will for ever be content to stop in silence the gaps which each year makes in the more than seventy European regiments there maintained. Neither can it be supposed that when the memory of recent struggles shall have grown remote, or been succeeded by events nearer to our homes, that the House of Commons will willingly expend so large a portion of the Indian revenues on measures of precaution......and a large proportion of our Anglo-Indian forces may not some day be sorely needed in another quarter of the globe."

much reduced.[1] I believe this impression to be well-founded to a very limited extent only. If the Government of India were simply engaged against a foreign invader, against a hostile native Prince, or an insurrection of circumscribed proportions,—the population in general being quiescent and taking no part—we should doubtless enjoy all the military advantages of the most perfect and rapid communications. But rails are easily torn up; bridges are easily destroyed. If war were aggravated by insurrection, if foreign invasion were complicated by general revolt, I am afraid that the railway system would soon prove to be of little or no value, even if it did not, through the undue confidence of strategists, become a snare and a cause of disaster. The following paragraph appeared in all the daily papers in August of this year:—"No less than about twenty thousand men, we learn from Russian sources, are required at this present moment as a safeguard for the Petersburg-Warsaw railway. At every bridge there is stationed a military camp of between 600 to 1000 men; and the whole length of the rails is watched by patrols marching up and down from station to station." And the Special Correspondent of *The Times*, in a letter dated from Richmond, 19th November, 1863, tells a similar tale of the heavy demand for men to protect the railways during the military operations in the United States.

"It is already very manifest that the Federals are realizing the difficulties of repairing railroads for hundreds of miles through a country bitterly hostile to them, and in which every bridge and every yard of trestlework has to be vigilantly guarded by night and day. To repair and keep in working order the railroad from the Mississippi to Corinth, and from Corinth to Chattanooga, would require 70,000 Infantry and 30,000 Cavalry."[2]

(1) [Ed.] Mr. Hovell Thurlow, quoted above, wrote that "the completion of our railway system will render thirty thousand English troops in India sufficiently omnipresent for all practical purposes of aid, where aid may be required; and although we may forget as victors the events of 1857, the recollection of the bloody lesson then learnt, by ill-starred Hindoos and Mahomedans alike, will not so soon be lost to native hearts and minds alike."

2. *The Times*, January 1st, 1864.

The distances to be traversed and watched in India, may be very fairly compared with those in Russia and America; but the Viceroy of India could not so easily as the Emperor of Russia find twenty thousand trusty men to guard a thousand miles of railway. If the requisite line ran through our own peaceful districts, or through the dominions of a friendly Sovereign, this duty would be almost unnecessary, or might be performed,—as the ordinary work of the intelligence department would be—by our own irregular cavalry, and the auxiliary troops of our ally. But if the whole country were up, if the spell of supreme authority were broken, and wild hopes and fears were spreading terror and treachery everywhere, this duty could not be entrusted to doubtful friends; nor could the Government afford to fritter away thousands of European troops in small detachments, and in exposed situations. It is obvious, therefore, that the system of railways, as an element in our military strength, is liable to fall to pieces at the moment of our greatest need.

But even in quiet times, and when no exceptional difficulty is apprehended, the relief to be obtained from the completion of the railways has, I fear, been much over-rated. A few stations, perhaps, might be given up; but the most important strategetic points,—such as Allahabad, Cawnpore, and Poonah—many great centres of population and political feeling—such as Lahore, Calcutta, Bombay and Delhi—must still be occupied with an imposing force; and, on the whole, while the area and the population to be protected and kept in order, remain undiminished, I do not think the military burden can be much lightened.

I can see no prospect of the military burden ever being lightened, except by the encouragement and development of the native Principalities, by placing confidence in them, and by leading them to place confidence in the Imperial supremacy of the British Sovereign.[1]

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(1) [Ed.] The policy underlying the grant of *sanads* of adoption by Lord Canning and his successors produced, according to Sir William Lee-Warner, "the second High-Priest" of the Political Department of the Government of India, "a basis of mutual trust and confidence upon which the new partnership might be established,"

The policy of annexation has failed; it is condemned by its results. This is now very generally admitted. Far from augmenting our revenues, as Lord Dalhousie pretended, the confiscated provinces, each and all, have steadily, since their incorporation with British India, exhibited a deficiency which no fiscal skill can diminish, no cookery of accounts can dissimulate. The Punjaub, Sattara, Nagpore, Jhansi and Oude, had effectually disturbed the financial equilibrium before the rebellion came upon us with its four years, disastrous balance sheets, and forty millions of debt. Far from the transfer to our rule being hailed as a blessing by the people,—"whose best interests," as Lord Dalhousie professed to believe, "would be thereby promoted,"—it was in every instance received with disgust and discontent, and the repeated shocks to our moral superiority, inflicted by so many instances of rapacity and bad faith, did more to create the feelings and excite the hopes that led to the rebellion of 1857, than all the material weakness on our side, all the temptations and religious excitement on the part of the rebels, that were observed at the time, or have been subsequently detected, suspected or imagined. Far from consolidating our military strength; as Lord Dalhousie predicted, the policy of annexation is proved to have scattered and frittered it away,[1] and to have converted more than one important city or district into a centre of disaffection and conspiracy, requiring to be watched and over-awed by troops at every time of excitement or difficulty, instead of being, as it formerly was, and would always have been under a tributary native Government, a bulwark and break-water against

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and "introduced the Native States to a higher position of responsibility as well as of honour" *(The Native States of India; p. 160.)*

(1) In a pamphlet entitled "Thoughts of a Native of Northern India on the Rebellion, its Causes and Remedies," (1858), edited by M. W. (perhaps M'Leod Wylie), we read:—"Our North-Western Provinces owe all this rebellion and anarchy to the very Punjab," meaning that "the pouring into the Punjab of the whole European force (or nearly so) of the Bengal Presidency and the depfivation of the North-West of all its best civil officers, have been the means by which the Punjab has been made a model province, at the risk of the whole Indian Empire." Mr. J. M Ludlow who makes the above observation (*Thoughts on the Policy of the Crown towards India* (1861.) thinks that it would have been "safer for us to have at Lahore a faithful native ally than the ablest of English Governors"; and he suggests the re-enthronement of Prince Dhuleep Singh on the Lahore *masnad* (Letter XIV).

rebellion, a centre of conservatism in time of peace, a rallying place for our adherents, and a resting place for our troops in time of war.

The threatened absorption of Mysore, on the demise of the present aged Rajah, deserves, therefore, our careful attention,—not only on account of the just grounds of remonstrance which, as I have pointed out, would thereby be afforded to the Nizam, [1] —not only with regard to the threatened rights and interests of the Rajah's family and clan,—but also as the first infringement of that general pledge in favour of the existing native sovereignties, contained in the Queen's Proclamation, and confirmed by Lord Canning's latest measures.

That Lord Canning did really meditate the annexation of Mysore, is, I fear, placed beyond a doubt by the fact that he tacitly, but very effectually, excepted the Rajah of Mysore from the benefit of the *amende honorable* to Hindoo Sovereigns, which was based on the Adoption despatches of 1860.[2]

When all the other Rajahs of India received the assurance in a circular letter from the Governor-General, that Her Majesty desired the dignity of their houses to be perpetuated, and would for the future recognise the right of succession by adoption, no copy of this letter was sent to the Rajah of Mysore; and this letter, representing Her Majesty's intentions to be confined to "the several Princes and Chiefs *who now govern their own territories*," was expressly worded so as to exclude the case of

(1) [Ed.] Sir Frederick Currie, of the India Council, writing a dissent to the despatch of the Secretary of State, on 17th July 1863, said:—"I think the decision impolitic, also, as likely to lead, when the permanent exclusion of the Maharaja from the possession of Mysore is promulgated, to inconvenient questions with the Nizam, whose treaty-rights in Mysore, though kept out of sight in this despatch, and the proceedings of Lords Dalhousie and Canning, referred to in it, cannot be ignored."

The endeavour of Sir John Lawrence to treat the Nizam as having been a dependent ruler in 1799, because of the larger numbers of the British army engaged in the war, and of Wellesley, having exercised 'plenary powers' throughout the expedition and in the settlement of the conquered territories (*vide* his Despatch to the Secretary of State on the 5th May, 1865) can only be equated with the strange doctrine that "mere inferiority of material strength could degrade an ally into a position of dependence and subordination."

2. Ante, p. 131.

the Rajah of Mysore, and his case alone, by this captious and accidental distinction.[1]

The administration of the Mysore territories was assumed by the British Government, and carried on in the Rajah's name, by virtue of Articles IV and V of the treaty of 1799. There certainly is nothing in the nature of those provisions of the treaty, or in the actual continuance of our administrative intervention, that can affect the Hindoo law of inheritance, or weaken the rights of an adopted son.[2] But according to the Rajah's interpretation of the treaty, to which I have briefly adverted in Letter XV,[3] in which I myself concur, and which, to say the least, is not deserving of hasty rejection, this administrative intervention ought long ago to have ceased.[4] If, therefore, the

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1. The following is a translation of one of these letters :—

To

L. S.
RAJAH RAVI VURMAH,
&c., &c., &c., *Of Cochin.*

After compliments.—Her Majesty being desirous that the Governments of the several Princes and Chiefs of India *who now govern their own territories* should be perpetuated, and that the representation and dignity of their Houses should be continued; I hereby, in fulfilment of this desire, convey to you the assurance that on failure of natural heirs, the adoption by yourself and future rulers of your State of a successor according to Hindoo Law and to the custom of your race, will be recognised and confirmed. Be assured that nothing shall disturb the engagement thus made to you, so long as your House is loyal to the Crown and faithful to the conditions of the treaties, grants or engagements which record its obligations to the British Government.

CANNING. S.

[Additional Note by Ed.] The form was adapted to Muhammadan rulers by changing the words "after natural heirs" as follows, in that sentence—"Any succession to the Government of your State, which may be legitimate according to Muhammadan law, will be upheld."

(2) [Ed.] Lord Canning himself said in his Adoption Despatch that "we have not shown, so far as I can find, a single instance in which adoption by a Sovereign Prince has been invalidated by a refusal of assent from the Paramount Power."

(3) Ante, p. 345—349.

(4) [Ed.] The Raja repeatedly urged his claims to restoration. Three Governors-General, Lord William Bentinck, Sir Charles Metcalfe and Lord Hardinge, admitted that his abrupt supersession was inconsiderate, unduly severe and of doubtful legality." According to Bell (pp 29-30. of *The Mysore Reversion*): "In no despatch of the Home Government or of the Government of India, during that period (1839-1847) was any intention of permanently retaining the management of Mysore ever expressed or implied." The Directors' despatch of the 14th July 1847 was the turning—point in the Rajah's fortunes, as it said that "the real hindrance (to his restoration) is the hazard which would be incurred to the prosperity and good government which the country now enjoys, by replacing it under a ruler known by experience to be thoroughly incompetent." Lord Hardinge had grave doubts as to the justice or right of the British retaining the administrative charge of Mysore, after the satisfaction of

Rajah had resumed his active functions, either by the favour and good will of our Government, or as he contends he should have done, by right, when the payment of his debts and the improvement of the revenue had removed all fear of his solvency, he would then, according to the terms of Lord Canning's circular, have become entitled to adopt a successor. And thus, upon the disputed construction of Article IV of the treaty, would come to depend not only that temporary question of the Rajah's personal rule, to which alone the Article was meant to refer, but also the vital question, unimagined by those who framed the treaty, of the extinction or perpetuation of this ancient Hindoo sovereignty.

I shall be excused from recapitulating in this place the arguments fully stated in Letter V on the Right of Adoption. I shall simply declare my opinion, founded on those arguments, that the Rajah of Mysore, in common with all other Hindoo Princes, and in common with all other Hindoos, can legally exercise that right; and that an adoption, affording, as it does, the only channel by which the nearest collateral or cognate can succeed, cannot reasonably be considered either as a privilege or as an unusual process, but is an essential and indispensable incident of the Hindoo law of inheritance.[1] The Rajah has, I believe, several grandsons in the female line, and the act of adoption would convey to one of them, or to any other person legally eligible, an indefeasible title to the succession, and to the sovereignty of Mysore. In short, while highly applauding—as a graceful retreat from an offensive and untenable position—the general plan and object of Lord Canning's circular, I must repudiate the notion that the Rajah of Mysore, or any other

their pecuniary claims and when these should be no longer any cause for anxiety as to the regular payment of the subsidy (Despatch to the Court of Directors, dated 6th August, 1846). It was in reply to this despatch that, after ten months' consideration, the Directors expressed their opinion as to the real hindrance to the reinstatement of the Raja on his throne.

(1) [Ed.] The Government of India, learning of the intended adoption of a son by the Raja, wrote on the 29th March, 1864, that "the Rajah has a full right to adopt so far as his private property is concerned; but his Highness must be distinctly informed that no authority to adopt a successor to the Raj of Mysore has ever been given him".

Hindoo Sovereign, ever had, or has now, any need of the Viceroy's permission, in any form, as the preliminary or as the ratification of a fully effective adoption. I regret that a copy of the circular was not sent to the Rajah of Mysore, but I cannot allow that his rights, or the rights of his family, are in the least diminished by that omission.[1]

That significant omission, and the more significant terms of the circular itself, indicate Lord Canning's intention to carry out the annexation by that process of claiming a "lapse," for want of 'heirs natural'" and for want of the ruling sanction to an adoption, which was so destructive in Lord Dalhousie's hands, and which Lord Canning himself seemed to deprecate and to abandon,[2] in the Adoption despatches of 1860. And it is very remarkable that Lord Canning, in his determination not to allow the coveted reversion of Mysore to escape, was not content with reproducing this discredited and discarded engine, but was prepared, if necessary, to take stronger measures, and to nullify the Rajah's rights with a still-more cruel weapon,—a weapon used by Lord Dalhousie only in the Carnatic spoliation to deny that the sovereignty of Mysore was hereditary, to declare the treaty of 1799 "a personal treaty," made only for one life, and renewable merely at the good pleasure of the British Government, as a matter of grace and favour.

Such at least is the only meaning that I can attach to the following passage in a letter addressed by Lord Canning in 1861 to the Rajah of Mysore, in reply to one in which that Prince,

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(1) At an interview which Mr. L. Bowring, the Commissioner, had with the Maharaja on the 14th September 1863, Mr. Bowring asked: "Is it your Highness's wish to adopt a son to succeed to all your Highness's possessions?" The latter replied: "It is not only my wish to make such an adoption, but I repeat it, it is my determination to adopt a son, in conformity with the Hindoo law and the long established usages of my ancestors, to be the representative of the ancient Rajas of Mysore". The Raja added, in reply to a further query, that the boy's name could not be announced then, nor until the proper time should arrive; "but it is my express desire that you should communicate what I have said on this point to the Governor-General."

(2) Canning added in the Despatch that "I believe that there is no example of any Hindoo State, whether in Rajpootana or elsewhere, lapsing to the Paramount Power by reason of that power with holding its assent to an adoption."

claiming the restoration of his executive authority, had alluded incidentally to the rights of his successors." Referring to the share of the net revenue of his country secured to the Rajah by Article V, Lord Canning proceeds thus:—"This provision is the only right that your Highness can claim under the treaty of 1799. It is a personal right, not a heritable right, and would not be claimable even by a natural born heir."[1] The extraordinary interpretation of "a treaty of perpetual friendship and alliance,"[2] — worthy of the Calcutta Foreign Office, inspired by the shade of Lord Dalhousie, and the bodily presence of Colonel Durand,[3] — clearly rests upon nothing but the absence of the words "heirs and successors," which all writers on international law declare to be an accidental and insignificant circumstance.

The treaty of 1799 declares itself to be perpetual, and to be made for important public objects; it is therefore a real and not a personal treaty.[4] Whatever the ancestors of the Rajah of Mysore or himself may have been at certain periods, "feudatories of Beejapore," or "state prisoners of Hyder,"—taunts[5] that are thrown in his teeth, by the before mentioned Calcutta missive, in a manner that appears to me most indecent—he was certainly recognised, and constituted by a solemn treaty, as the reigning

1. These papers have not to my knowledge been published; but I have seen a small printed collection, and the accuracy of my citation, though only from memory, may be relied on.

2. Collection of Treaties, 1812, p. 454.

3. Who instigated the last plan of annexation,—that of Dhar—happily rendered abortive by the firm and repeated rejection of the Court of Directors, and of two successive Secretaries of State, Lord Stanley and Sir Charles Wood. See House of Commons' Papers, Principality of Dhar, April 1859.

4. Ante, pp. 77, 78.

5. [Ed.] The letter of Lord Canning referred to, contains in para 6 the following insulting remarks:—"The cession of territory in favour of your Highness, which comprised districts annexed by Hyder Ali, over which your ancestors had never ruled, was based districtly upon the British Government's right of conquest. In one of the communications from your Highness mention is made of that hereditary patrimony "bequeathed to me by my sires, the Sovereigns of the Soil." But when the grant was made by Lord Wellesley in favour of your Highness, you did not inherit any patrimony in the soil, and you could not claim a single village, for the independence of your Highness's ancestors, after the destruction of the Kingdom of Bijeynuggur, to which they had long been vassal chiefs, was short-lived and they had entirely lost by the sword what they had gained by the sword".

The importance of the Mysore royal family as independent chiefs dates from the time of Raja Udayar (*cir.* 1600).

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Sovereign of Mysore, and an ally of the British Government. The dignity of a reigning Sovereign is essentially hereditary in India, as in Europe. There were ancient precedents in the British annals for the creation of life-peerages, yet our House of Lords lately refused to admit their validity[1]; but there are no precedents whatever in the annals of Great Britain, or of India, for the creation of life-sovereignties, of sovereignties terminable at the will of one of two perpetual friends and allies.

Notwithstanding the very generally acknowledged iniquity and impolicy of persistent and systematic annexation, the case of Mysore has been represented as quite exceptional and peculiar. It has been urged, in addition to arguments drawn from the growing value and capabilities of this country, that it is so completely encircled by British provinces, that it would be highly impolitic and unadvisable to perpetuate the separate jurisdiction. Twenty-five lakhs of rupees, one quarter of the actual gross revenue of Mysore, are paid annually, under existing engagements, as a subsidy to the British Government. I do not believe,—and judging from past experience of our annexations, I do not think any one can reasonably maintain the probability,—that Mysore would ever, under our direct management, produce a larger annual surplus, applicable to Imperial purposes, than this.

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(1) Lord Palmerston involved himself in 1856 in a needless quarrel with the House of Lords, by creating Sir James Parke, a Baron of the Exchequer and a Privy Councillor, a Peer for life without any mention of his heirs. The motive for Baron Parke's elevation was laudable, as he was intended to assist in the hearing of appeals in the Lords, as there were then only two lawyers practically in the House, only one of whom was bound to attend. Baron Parke's Life Peerage was certainly legal, because the Sovereign, as the fountain of honour, could confer any title upon any subject. It was not constitutional, because "it purported to alter the essential nature of a Lay, as distinguished from a Spiritual, Peerage." The Lords passed a resolution that Baron Parke, not having been raised to the Peerage in the customary manner, was incapable of sitting noting in the House. Government was obstinate and introduced an Appellate Jurisdiction Bill to make Life Peerages legal, but was defeated in the Commons themselves, who referred it to a Select Committee. Then the Cabinet came to their senses; and Baron Parke was permitted to take his seat in the Lords as Lord Wensleydale, with remainder to non-existent heirs. "It appeared that even before the Battle of Bosworth a Peerage for life was conferred either *concensu procerum*, by consent of the Lords, or *concensu procerum et communitatis*, by Act of Parliament" but not in any other way. (Herbert Paul – *A History of Modern England*—Vol. II. pp. 48-52; & W. Anson—*Law and Custom of the Constitution*—Part I; ch. VI: p. 201 of 2nd edition.)

If the course of annexation be resumed in the tempting instance of Mysore,[1] a long series of similar temptations will be reopened, and every little sovereignty, embedded in the British dominions will be doomed to assimilation in its turn. For although the large revenue of Mysore—a million sterling per annum[2]–makes it appear a more than usually desirable acquisition, there is really no special cause that can render its appropriation more defensible than that of any other State in India.

If there were any weight in the considerations founded on the geographical position of Mysore in relation to our immediate possessions, it would not be difficult to show that there is nothing exceptional in that position, and that those considerations must be equally true of Travancore, Bhopaul, Kolapore, Rewa, and many other principalities; while every inclusion of a new province within our jurisdiction, will obviously draw the net closer, will tend to embed or encircle those who have hitherto felt themselves to be secure.

All the plausible and familiar topics of the horrors of native misgovernment and the blessings of British administration, could be paraded with equal effect in the case of most native states, as in that of Mysore.

The truth is that we have taken no steps, at least no proper steps, to induce the adoption of reforms in the government of

(1) [Ed.]. "In the *Edinburgh Review*, just published (April 1863), there is an article headed "India under Lord Canning". . . . . As it is, however, I suppose it must be viewed in some measure as an expression of the sentiments of Government, though it is hard to believe that they would be so unscrupulous, so devoid of all honour, as to support the monstrous doctrines put forward by the writer of the article in question. Most of our Governors-General have sought for and set forth some other and more specious plea than that of mere expediency for plundering weak Princes; but the reviewer boldly avows that expediency should be our guide, and some of his remarks make it quite clear that the Rajah of Mysore is to be the next victim. Yet he is not disloyal, nor disaffected. The Commissioner, the Governor-General and the Secretary of State have testified to the contrary. He must therefore be sacrificed on some other plea; and I know of none, after twenty years' personal experience of the Prince and his country, except that the territory is rich, the climate good, the position eligible—and we want it. Add to this, we are strong, the Rajah weak—and what more could possibly be required to satisfy the most delicate Whig conscience? It is the old story of Naboth's vineyard once more repeated—only rather more flagrant, for we don't propose to give anything in return to anybody." (Letter from A Friend, dated April 10th 1863: Appendix H. of *The Mysore Reversion*; pp. 222-3).

(3) The charges and liabilities are of course in proportion; and, as I have already stated, a quarter of the income is payable to the Imperial treasury.

native States. Our diplomacy in India, since we began to feel our undoubted supremacy, has been of the rudest and coarsest description, and though widley differing in its tone and tendency from that of our allies or opponents, little more refined or more intellectual. We dictate and bully; they prevaricate and postpone; they in general have to submit, sometimes we are deceived or tired out.

The exigencies of European negotiations, the vast interests and balanced forces engaged, and the brisk combat of wits that may be expected, compel the Government to employ as its representatives none but men of known qualifications, practised powers, and of cool and persuasive manners and temper. But in dealing with Oriental States, the arrogant confidence of overwhelming power has led us almost invariably to despise argument or conciliation, to refuse an equality of standing to native negotiators, always to present our ultimatum at an early stage, and enforce its acceptance by the display or menace of warlike preparations.[1] The hopelessness of getting their arguments patiently considered, and in most cases their inability to frame arguments that would have any weight against our fixed determination and impatience of contradiction, have led the ministers of Asiatic States into a settled system of delay and passive obstruction as the only means to retain or regain their most desired objects. Ever since the full establishment and consolidation of our power by the Marquis of Hastings, our Indian diplomacy has not only been meddling, overbearing, and rapacious, but has been eminently unsuccessful in securing its avowed objects and dangerous and disadvantageous in the results which it has actually produced. It has not succeeded in protecting the subjects of native States from oppression,

(1) [Ed.] The conduct of the Residents, even in the time of the Marquis of Hastings (1813–23), had became one of overbearing dominance and dictation. He wrote in his *Private Journal* thus:—"Instead of acting in the character of ambassador, he (the Resident) assumes the functions of a dictator; interferes in all their private concerns; countenances refractory subjects against them; and makes the most ostentatious exhibition of this exercise of authority. To secure to himself the support of our Government, he urges some interest which, under the colour thrown upon it by him, is strenuously taken up by our Council; and the Government identifies itself with the Resident, not only on the single point, but on the whole tenor of his conduct."

where oppression undoubtedly exists; it failed in Oudh; it has effected no reforms in Hyderabad; it is impotent in Rajputana. This general and notorious failure, and the consequent complete want of weight in the counsels of Government of our old political officers,[1] —who, with all their faults, were generally in favour of maintaining the native Princes—enabled Lord Dalhousie to carry out his policy of systematic annexation.

We cannot now control or coerce Princes or ministers, or the refractory feudatories of a native ally, without incurring odium and suspicion. No one gives us credit for good motives. We have lost our moral hold over the passions and prejudices of India, we have forfeited our right of correction, by our want of good faith and moderation. Any pressure exercised upon a native State, or upon any one within its boundaries, is looked upon as the preliminary step to annexation.

And while the threatened resumption of Mysore shows how well-founded and how reasonable these suspicions are, and how necessary it is for us, who disapprove of Lord Dalhousie's measures, to guard vigilantly against fresh violations of principle, a very recent transaction in the Rajpoot State of Oodeypoor,[2] tells but too plainly that the traditions of the Calcutta Foreign Office still reign triumphant, that not a glimmering notion prevails of reforming native administration by native and natural means, and that no possible intermediate policy is conceived to exist, between the blind support of local authorities, and the summary substitution of European officials. The Maharana of Oodeypoor, the head of the Sesodia family, and of the Sooraj-

(1) [Ed.] Of them Sir Charles (Lord) Metcalfe may be taken to be typical; his policy was that the British Government had "no right to deviate from the spirit of existing engagements, however desirable a deviation may occasionally be; and we must act towards them with a friendship and a liberal regard for their rights and pretensions." (J. W. Kaye—*Life of Lord Metcalfe*—Vol. 1. p. 437).

(2) [Ed.] Sarup Singh, the Ruler of Udaipur, died in 1861 (November) and was succeeded by his nephew and adopted son, Sambhu Singh who was a minor. During the period of his minority, the administration was carried on by a Council of Regency, supervised by the Political Agent. The members of the Council were indeed appointed by Government; but it soon became necessary to dismiss three of them for misconduct.

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bunsee, or Solar tribe of Rajpoots, pretends to a direct descent from Ramchunder, the mythological monarch of Oude and conqueror of Ceylon, the hero of the national epic poem, the Ramayana, and who is worshipped all over India as an incarnation of the Deity.[1] All Hindu Princes acknowledge the precedency of the Rana of Oodeypoor, styling him "Hindooa-Sooraj," or Sun of the Hindus; and all those of Rajputana, and several in other parts of India, receive from him the *teeka*, or mark of royalty on the forehead,[2] in confirmation of their accession. The Oodeypoor dynasty, which, apart from its mythical splendour, can really boast a royal genealogy of two thousand years, is also renowned for having, amidst the most terrible reverses, maintained its independence of Delhi, and for having preserved the family honour pure and inviolate, unlike the other Rajput Princes, by refusing to give its daughters in marriage to the Muhammadan Emperor or his sons.[3]

The present Maharana, who succeeded about a year ago, being a minor, the government was in the hands of a Council of Regency. Two of the principal nobles employed in the administration, were guilty of enormous delinquencies. Kesree Singh, a financial officer, embezzled twenty lakhs of public money. Ajeet Singh, the head of police and criminal justice, after having extorted confessions, by beating, from two men charged with highway robbery and killing cows, had them both put to death

(1) [Ed.] The legendary founder of the dynasty was Kanak Sen, the sixty-third in descent from Lava, the son of Rama, who is said to have migrated in A. D. 145 from the Punjab to Gujarat. Colonel James Tod says that the Sissodias are allowed to be the first among the thirty-six royal tribes; and no doubt has ever been raised, respecting the purity of their descent. The Maharana of Udaipur shows himself in cloudy weather from the *Soorya-gokra* or balcony of the Sun.'

(2) [Ed.] Even the *Masir-ul-Umara*, while claiming a Persian ancestry for the Mewar rulers, says that "they are exalted over all the princes of Hind and other Hindu princes, before they can succeed to the throne of their fathers, must receive the *khushka* or *tiluk* of regality and investiture, from them." Tod: *Annals of Rajasthan*; (1st ed.) Vol. I. *p.* 235.

(3) [Ed.] No state in India had made a more noble or more desperate resistance to the Muhammadans from the 13th to the 18th centuries. It is the boast of the family that they never gave a daughter in marriage to any of the Muhammadan emperors; and for many years they would not intermary with the other Rajput families who had formed such alliances.

under circumstances of revolting cruelty.[1] Instead of punishing both these high offenders, the Council, when pressed by the Political Agent, tried to justify the former, and connived at the escape of the latter.[2] There could not well have occurred a more fair and favourable pretext, a more imperative call, of British interference.

But the weightiest considerations should have induced the Viceroy to perform the moral duty of interference in that gracious style, and to that limited extent that would be most palatable, most persuasive, and least alarming, to the nobles and people of Oodeypur, and of the adjacent States. The ninth Article of the treaty of 1818, which defines our relations with Oodeypoor, stipulates that "the Maharana shall always be absolute ruler of his own country, and the British jurisdiction shall not be introduced into that principality." [3] Admitting the moral right of effectual inter vention, where the first principles of justice and humanity are insulted in a dependent State, I still think that the letter of this Article ought to have made us very scrupulous as to the details of that intervention, which should have been as far as possible removed in form from the direct introduction of British authority. Instead of this, the course adopted by the Calcutta Foreign Office must appear most offensive and most portentous to the brave and

1. It may be thought that these facts conflict with the opinion given at p. 265, as to the respect for the sacredness of human life, and the aversion to cruel punishments, that we have taught to the inhabitants of native States; but I remarked in that place that opposition and disapproval would vary in degree in different parts of India. Now, firstly, Rajpootana is exactly that part of India in which we have the least control, and the least intercourse; and where ancient customs and manners exist in the greatest force: and secondly, there is nothing to show that there was not, in this instance, a certain amount of opposition and disapproval, and that public opinion was not to some extent roused against the evil doers. Those who kill and eat cows are looked upon with horror and indignation by Rajpoots, as worse than cannibals; but still there must have been some complaint, and the Political Agent must have got his information on certain points from some persons of rank and authority.

(2) [Ed.] Ajit Singh was proscribed as an outlaw by the British Government. He surrendered in 1870 on promise that his life should be spared ; and "the case having been voluntarily placed in the hands of the British Government by the Mewar Durbar, he was sentenced to a term of imprisonment sufficient to mark the determination of Government to visit with serious displeasure any quasi-judicial acts of cruelty by whomsoever committed." Ajit Singh was debarred from any future employment in the State ; while the Rao of Kotaria, a feudatory of Mewar, who had given him shelter, died before Government could take steps to punish him.

3. Volume of Treaties, 1863, p. 426,

sensitive population of Rajputana, and is in fact the very measure best calculated to alienate and alarm, to render instruction impossible, and to make improvement odious. By a decree, dated Simla, August 14th, 1863, the Viceroy confers upon the British Political Agent the highest powers in judicial, police and financial affairs,[1] subject to an appeal in certain cases to the Governor-General's Agent in Central India, and requiring the Viceroy's own confirmation of capital sentences,—"these powers to be exercised until the Maharana is pronounced of age and capable of undertaking the responsibility of administration." Thus to all outward appearance, if not to all intents and purposes, British jurisdiction is introduced into the principality of Oodeypur.

It is very remarkable that not one member of the guilty Regency is removed; no addition is made to their number; and the person of the Maharana, and his household, are still confided to their care.[2] The whole scheme of administrative reform seems studiously devised to be as foreign, as artificial, and as ephemeral in character as possible. No attempt is made to strengthen the Executive Council, or the departments of finance and justice, by the employment of a few educated and experienced native functionaries. There are several enlightened Hindus of high rank, of great wealth, of proved integrity and distinguished qualifications, known to be devoted to Imperial interests, and placed for years under the very eye of the Supreme Government, any one of whom would have been proud to undertake the office of Prime Minister of Oodeypur; and who, duly advised and supported by the Viceroy, and recommended to the local magnates by their consciousness that he alone averts foreign jurisdiction

(1) [Ed.] The administration was considerably improved in this period; the courts were reorganised; a police force was formed, an excellent school was established, and the dispensary improved. Roads were constructed to Nimach and Desuri; the revenues were economically managed; and the cash balance in the Treasury at the close of the Ruler's minority exceeded thirty lakhs of rupees—*vide The Rajputana Gazetteer*—Vol. III (1880)—*pp.* 22-23.

(2) I assume the validity of all the charges, against the two chief offenders and against the Regency, to be undoubted; but observing that the Council are said "to justify" Kesree Sing in his appropriation of public funds, and that they are still left in a position of great dignity and trust, one would be glad of a little more information.

which they dread as the forerunner of annexation, would be able to secure their confidence, to develop their capacity for self-government, to inaugurate a permanent reform in the laws and procedure, and to train up a new generation of statesmen and officials to perpetuate the work of his administration.

Such a man, for instance, as Rajah Dinkur Rao,[1] now a Member of the Legislative Council of the Governor-General, and formerly for several years the successful Minister of the Gwalior State, could, as Dewan of Oodeypoor, effect changes that a British Political Agent could not, and would not attempt. His title and honours, the high offices he had already held, and his sacred character as a Brahmin,[2] would all combine to make his person respected, and to lessen the jealousy of a stranger's authority. A Prime Minister of his antecedents and habits could work with the tools which he found ready to his hand; could make himself understood and obeyed, and would know when and how he was obeyed. No English Political Agent could do this in the atmosphere of dislike, distrust and sullen opposition by which he would be surrounded. He would never feel assured whether his orders were carried out or not, and would either become dependent for information upon some favourite native, or would be compelled to resort to our own elaborate apparatus of official checks—records, reports and correspondence—with the indispensable staff of European Assistants, and a corrupt and insolent train of native subordinates. Such is the inevitable downward course of direct British management: so it has been in Mysore: so it will be in Oodeypoor.

(1) [Ed.] This famous Indian statesman was the Minister of the Gwalior State till 1859, and then became Superintendent of the Dholpur State. He also served on the Commission for the trial of Mulhar Rao Gaekwar in 1875. He was created a K. C. S. I. in 1866 and given the title of Raja Mushir-i-Khas Bahadur in 1884. Regarding his great abilities, the opinion of Major Meade, Agent to the Governor-General for Central India, dated Indore, April 1865, may be perused. He says that "it is simply impossible in my opinion to do adequate justice to Raja Dinkur Rao's services and admirable character in such documents." (See Ch. XII of *The Company and the Crown* by T. J. Hovell-Thurlow).

(2) But the idea of taking advantage of Hindoo prejudice and superstition, and turning it to account, or quietly allowing it to operate, for a good purpose, would of course be scouted in Calcutta.

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Not two months elapsed from the date of the Governor-General's order superseding the native authorities, before the next step had to be taken,—the introduction of British troops, to preserve order, and to protect the Resident's person. The following extract is taken from the summary of news from Bombay of the 29th October:—"A small force has been sent from Neemuch to Oodeypoor; as the Political Agent, Major Eden, was apprehensive of a rising there at the Dussera festival." Nothing but "a treacherous attack" on the Resident's escort is now required, to render Oodeypoor quite ripe for annexation.

And even supposing—as is very probable—that everything went on peaceably; that the public affairs of Oodeypoor were conducted with a superficial smoothness and regularity, and even with marked success,—as in Mysore,—until the period of the Maharana's majority, and that the Government were then transferred to the Sovereign,—as the Viceroy promises[1]—I should fear that no solid or substantial progress would have been made. The British management, tainted in its origin as a national humiliation, watched with suspicion and dislike, and endured with patience only as a temporary infliction, would be shaken off with delight as soon as our coercion ceased; every vestige of its procedure would be gradually effaced, and the subordinate native agents quietly dismissed and proscribed. No provision appears to have been made at present for the education of the Maharana. The Council of Regency, deprived of executive power, though left in charge of the young Prince's person, are not very likely to accuse themselves of incapacity and misconduct, by extolling the Political Agent's administration, or by inculcating those principles of public justice and economy, which the British Viceroy would approve.

1. Very few, probably, of the inhabitants of Rajpootana believe that this promise will be performed.

Additional note [Ed.]—The State was entrusted to Sambhu Singh on his attaining his majority in November, 1865.

Never, perhaps, has a more suitable occasion presented itself for exercising the noblest functions of Imperial power, for asserting a disinterested and beneficent supremacy, and for enforcing reform in an influential native State, while preserving its autonomy, and instructing its leading men, than this occasion of the Oodeypoor Regency. But this opportunity, as well as that of Mysore, has been thrown away; and yet I believe that only by watching for such opportunities, by seizing upon such opportunities, and by making such opportunities, the Empire can be placed in a position of stable equilibrium, the actual and prospective strain on our own military resources relieved, and those of India made available for Imperial objects. Military strength does not consist in the numerical strength of armies, but in the number of disposable troops. Wherever there is a native State, there is a competent and visible authority, responsible for the peace and good order of a certain area, and of a certain population. Wherever we annex a State, or assume its management, there we at once become chargeable with the preservation of tranquillity; our troops become more scattered; a movable column is converted into a stationary garrison, or an occasional camp of exercise into an army of permanent occupation. With every cession of territory to a native Prince this process can be reversed. Even now, we could, on an emergency, march all our troops out of Mysore, or out of the Nizam's Dominions, with much more confidence and with much less anxiety, than out of any part of our immediate possessions.

I wish deliberately to record my fixed opinion that our immediate possessions are at present very much too large,—too large for us to defend; too large for us to administer; too large for us to instruct.

I am so convinced of the truth of this opinion in general, and I am so convinced of its truth with particular reference to Mysore that, in case of a genuine lapse for want of a valid adoption, I would rather see a native government reconstituted under a Prince

of Tippoo's line, under Maharajah Dhuleep Singh,[1] or under any other conceivable candidate upon whom the principality might be conferred, than see Mysore transformed into a British Province. As a dependent State, with a well-affected Court and a contented people, Mysore would be invaluable as a natural *place d' armes*,—healthy for troops and teeming with supplies—as a centre and base of operations, defensive or offensive, in Southern India. As a British Province,—filled with bitter regrets and reminiscences, where no one would be responsible, and no one would have anything to lose—it could never be denuded of troops; it could never be relied on, and might at any time become a source of anxiety, or the scene of anarchy and confusion.

If the Government of Mysore were reformed, on the principles suggested in Letter XV, I consider that it would be one of those native States that might be most conveniently and advantageously enlarged, perhaps even to the full extent of Tippoo's Empire, excepting the sea-board Provinces. And I am glad to

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1. Those who venture to believe in the secondary and secular causes of the propagation of Christianity and of the Reformation in Europe, might reasonably look upon the political establishment or aggrandisement of a Christian Prince like Dhuleep Sing, or of one almost persuaded to be a Christian, like Rajah Rundhur Sing of Kuppoorthulla, as the most powerful and practicable engine of conversion, and therefore of civilisation and progress. And if such a step were taken at a judicious crisis, on fair and just grounds of general policy, with no ostentatious or aggressive reference to religious objects, and with all the conditions and guarantees of Imperial supremacy to prevent persecution and partiality, I maintain that the measure would be quite justifiable, and I should not fear its proving offensive to the people.

[Addl. Note by Ed.]—Mr. J. M. Ludlow would suggest the restoration of the Punjab to Dhulip Singh, as it would be "safer for us to have at Lahore a faithful native ally than the ablest of English Governors". He adds:—"Of all allies I can think of, I cannot imagine one so desirable as that noble young Christian Prince, our Queen's frequent guest, once recognised by us as the rightful occupant of the Sikh throne. Nor can I conceive of any event giving so firm a foot-hold, so vast a development, to Christianity in India, as his re-enthronement." (*Thoughts on the Policy of the Crown towards India* Letter, XIV.

Dhulip Singh received instruction in the Christian religion, underwent a probation of two years, and was baptised on March 8th, 1853, with the sacred water of the Ganges, "for the sacred rite, thereby sanctifying it in the Maharaja's mind, from henceforth, with a new and holier association." Bhajan Lal, a servant of Dhulip Singh, was prevented by his people from accompanying his master to England, as it was feared that he would take the opportunity of declaring himself a Christian in England; and he had not the courage in his own case to throw off the old religion, though he had certainly helped the Maharajah in his decision with all his energy. Sir John Login, the tutor and guardian of the Maharajah, was one of the active instruments for his conversion. (See *Sir John Login and Dhulip Singh* by Lady Login—with an Introduction by Colonel G. B. Malleson (1890)—Chh. IX and X.)

say that Sir John Malcolm, one of the most far seeing of our few Indian statesmen, long ago anticipated these views. Writing of the recently established State of Mysore, he says :—" While these fundamental principles are respected, this connexion will form the bulwark of our strength in the south of India ; and it may, in the course of events, be a consideration of policy to increase, instead of diminishing, the wealth and limits of a State which, while it affords us resources fully equal to the same extent of our own dominions, is exempt from some of the objections to which those are subject."[1]

I shall be grievously misrepresented or misunderstood, if the element of time be omitted in the analysis of that plan for reconstructing the Empire in India, to which my aspirations are directed. To enter into the details of a such a plan, and of the process by which it might be carried out, in a work of this description, and for a person in my position, would be obviously absurd. But I may observe that while precipitate overtures should be avoided —and would in fact be quite unnecessary—unpremeditated and spontaneous occasions for the transfer of territory, are presenting themselves every day. There is a great deal of profitable business to be done already in the way of restitution. In ten years much might be effected ; much more in twenty : perhaps our European troops might be reduced in the former period to the standard strength before 1857, of about forty thousand men.[2] Retaining, and acquiring by exchanges, all the ports and sea-board under our direct rule, large tracts of country which we now occupy might

(1) Malcolm's *Political History*, 1811, p. 375.

(2) [Ed.] When Lord Dalhousie left India, the number of British troops had been reduced to 45,300 men ; and in 1856-57, the total military charges had been below 11½ millions sterling. In 1858-59 the European troops of all arms amounted to 112,000 men ; and the total charges amounted upwards of 21 millions. The Military Commission, appointed to inquire into the re-organisation of the army, in July 1858, were unanimous that the number of European troops to be kept in India should not be less than 80,000 men, and their proportion to the Indian troops should never be less than 1 to 8 and in many places should be 1 to 2. The number of European troops in India in 1863 was 72,000. Even the Duke of Argyle felt that the tendency to stress on the necessity of a larger proportion of European troops was perceived to be impracticable by the Government at home; but that it was impossible to carry out retrenchment so far as to restore an equal exchequer balance. (*India Under Dalhousie and Canning* : pp. 134-6.)

be entrusted to dependent Princes. The limits of some existing States might be beneficially extended; some new or revived Principalities might be carved out of those British possessions which lie at a great distance from the coast. It seems to me quite impossible to mention any advantage that Great Britain enjoys from the direct administration of Nagpore and the Central Provinces, or from those parts of the Madras Presidency called the Ceded Districts, Coimbatore and Salem, that would not be equally enjoyed if those Provinces were ruled, in federal subordination, by the Bhonsla, the Nizam, and the Rajah of Mysore.

The Imperial power should continue to undertake the external defence, and international relations of India; the native Princes should be made responsible for internal tranquillity. The railroads should be expressly confided to their care and protection. The change of rule need not offer the slightest obstruction, impediment or discouragement to British enterprise of any description. Commerce, manufactures, plantation and settlement, missionary and educational operations, could all proceed without interruption or damage. Capitulations—such as already exist—with the native Princes through whose dominions our railroads and canals may run, or to which British subjects may resort for purposes of trade, would place the magisterial and judicial control of Europeans, as in Turkey, Persia and China, in the hands of local English authorities whose jurisdiction should be locally effective and summary, checked by publicity and by the presence of assessors—in default of a jury—but not subjected to an appeal, and requiring no confirmation, except of capital sentences.

I trust that indications have not been wanting thoughout these Letters, that I do not seek to relax the tie of Imperial supremacy, but, on the contrary, to draw it more closely around all the States of India, to the benefit and with the consent of each and all. The fact of British supremacy is undoubted; but

in many respects that supremacy is still undefined, unattested and undeclared. A Golden Bull is required for the Indian Empire. A single formal document, of arbitrary origin and straitened construction, would not comport with the real political circumstances, would be neither effective nor equitable.[1] Well-timed assertions of Imperial pre-eminence would appropriately accompany that general revision of existing engagements, consequent on the proposed territorial changes. And thus the impersonal and equivocal relations bequeathed by the East India Company, would gradually cease and expire, and would be replaced by more intelligible relations of federal allegiance, and by the clear definition of reciprocal right and duties. The genial deference due to allied Princes, and the homage due to the Imperial Sovereign, might well be disclosed and illustrated, in the personal intercourse, the forms and ceremonies, and the brilliant paraphernalia, of more than one Royal progress. As Great Britain rejoices, in her unwritten Constitution, so may India flourish for many centuries with an unwritten Golden Bull!

No congeries of States, no people on the face of the earth, were ever so disposed—by their natural bent, by their historical traditions, by the peculiar phase of their civilisation and manners, and even by the tenets of the two prevailing creeds,—to accept with gladness, if it were offered to them, the idea of an actual living Monarch, and to regard with a loyalty amounting to devotion and reverence, the person of that Monarch, and every member

(1) [Ed.] Mr. Hovell-Thurlow suggested the appointment of a Royal Commission to be assisted by Indian assessors, to define the British claim of escheat as against the Indian Principalities and also the relations of the Princes to the Government generally. He also recommended the creation of some judicial tribunal to decide on all cases involving relations, not of peace and war, between the Indian Princes and the Government, whether called a Supreme Court or a Court of Appeal for Indian grievances. The establishment of such a Court of Appeal was strongly urged by 'The Indian News' in April 1857, after enumerating the cases in which, during the last ten years, the suffering party had, in person or by attorney, pleaded fruitlessly to the Home authorities (Letter XIII.)

of the Royal family.[1] But no such idea has ever been offered to them, It seems to have been sedulously kept out of sight. Not only have the people been accustomed to see their own Princes, and princely families, treated with contempt, but too many cases have occurred where everything has been done to make a native Sovereign contemptible in the eyes of his own subjects. A long course of this ungenerous conduct has not tended to encourage respect for Royalty in the abstract, or to create a belief in the ruling influence, or even in the existence of any Royal Personage in Great Britain, endowed with those qualities of high honour and magnanimity, which have been associated in all ages, and all over the world, with the idea of a great Sovereign.

All this may appear, to some of my readers, to be very ridiculous, and very unworthy of attention. Philosophical Radicals may regard the idea of a personal Sovereign as decidedly retrogressive. But India is not England; nor are Hindoos in general Philosophical Radicals. What they may become in time is another question. Loyalty began to decline in Great Britain, and patriotism to expand, when Puritanism became a power in the land. I cannot see that it is the interest or the duty of any Government of India to promote the growth of what may be called patriotism, and to neglect the source of power that lies in the encouragement of loyalty. Those royal deeds of restitution and compensation, which have been advocated in these Letters, and that policy of Imperial Federalism,[2] which has here found so feeble an exponent, would excite a fervent spirit of loyalty throughout India, and, far from being retrogressive, would be the surest steps in the path of harmony and progress.

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(1) [Ed.] Lord Lytton, writing to the Prime Minister, on April 30, 1876, said thus:—"Here is a great feudal aristocracy which we cannot get rid of, which we are avowedly anxious to conciliate and command, but which we have as yet done next to nothing to rally round the British Crown as its feudal head." This was on the eve of the assumption of the title of Empress of India by Queen Victoria; Lord Lytton proposed the establishment of an Indian Privy Council restricted, in the first instance at all events; to the great Chiefs, and also of a Native Peerage for the Empire of India and a Herald's College at Calcutta.

(2) [Ed.] Since partially realised in the present scheme of Constitutional Reform for India and of a Federation of British India and Indian States.

Hitherto the repulsive domineering of our Government and its agents, has made native Princes and Ministers averse to our laws and institutions: and the acquisitive proceedings of the last twenty years have served to render our principles of government even more conspicuously offensive to the higher classes, as the cause and badge of their degradation and ruin. But if British good faith and the majesty of the British throne were vindicated by gracious acts of restoration and restitution, royally decreed and royally performed; if the era of annexation were manifestly closed for ever; and a proposal of innovations were seen not to be an insidious encroachment, but the preliminary step to territorial aggrandisement and admission to the security and dignity of a place in the Imperial Federation,—reform would appear in a much more favourable light.

No one can fail to observe how powerful a lever to move the mass of prejudice and ignorance that oppresses India, is placed in our hands by the possession of so much superfluous and unprofitable territory. Under no pressing necessity to part with it, under no obligation to confer any portion of it on any particular Prince, or to abstain from founding any number of new sovereignties, the Imperial power could, in every case of transfer, impose its own conditions. The proportion of the Indian debt to be paid off or assumed by the enlarged feudatory, would be a matter of easy calculation and arrangement; while the advantages gained by the Imperial government, would be found not only in the riddance of so much dead-weight, but also in the reduction of the civil and military establishments, and in the prospective diminution in the annual tribute of pensions, furlough allowances, passage money of troops, and other home charges.

Is it not quite clear that the interest of the British nation in the annual provision made for some hundreds of young gentlemen, and the fortunes and pensions acquired by some scores of retired officials, is of very circumscribed importance, of infinitesimal value, when compared with its interest in the

development of the energies, in the cultivation of the tastes and desires of an immense and intelligent population? India must no longer be regarded as a field for patronage, but as a field for spreading our commerce, our laws, our science, and all that we have of good to give; as an inexhaustible field of producing and purchasing power, from whose gifts and wants our industry by land and sea may for ages reap a liberal and ever increasing harvest.

In the Provinces retained under direct British administration, I should advocate a general rule of selection for office and for promotion, which would perhaps shock the feelings, or excite the ridicule of most Anglo-Indian officials, but which will, I think, be considered in England as a sound, just and prudent principle,—that when well qualified in every respect, a native should always be preferred to a European. Due consideration might still be given to special grounds of policy—temporary or permanent—and to special personal claims, but *cæteris paribus* the native candidate should have the preference The fair promise of 1862,—when the High Courts and Legislative Councils were constituted,—has blossomed with very scanty performance. Ten or twelve native gentlemen have been appointed to honorary seats in the local Councils, with very confined powers of legislation; three or four have seats in the Governor-General's Council. for legislative purposes only, with no right to any information whatever on matters of general policy or finance. One eminent Hindoo lawyer has been made a Judge of the High Court of Calcutta,—the solitary instance, I believe, of a native having been promoted, under the powers granted by the Acts of 1862, to a paid office that had been previously unattainable.[1] And with this one act of homage to the

(1) [Ed.] The effect of the elevation of an Indian to the High Court Bench at Calcutta was "quite electrical"; and throughout Bengal "public prints teemed with with praise at the happy omen". The person intended for this high honour was Ramprasad Roy, a "name at the very sound of which corrupt vakils and pleaders quitted court". "He was without price; and the office had been made for him. But ere the letters patent had reached Calcutta he had died. Sumbhoonath Pundit Roy Bahadur indeed was found to reap the honours invented for another"; but the new High Court went forth shorn of its greatest ornament" (Howell-Thurlow: chap. 1, the Government of India.)

declared intentions of Parliament, the liberality of the Government of India seems to have stopped. The great body of native advocates and public servants, after the first congratulations had died away, can have derived but little practical encouragement from the elevation of one distinguished Hindoo to the highest judicial office, a place to which few of them, as indeed, few English civilians, can aspire. A somewhat broader entrance to a career of usefulness and honour, some earnest of a share in the ordinary prizes, would have been far more convincing, and far more gratifying than this allotment of one extraordinary prize to one conspicuous person.

All the institutions of Great Britain, so far as they are applicable to altered circumstances, should reappear in India. There is a Privy Council in Ireland, to advise and support the Viceroy, when he requires their aid. There ought to be a Privy Council in India.[1] The distinction, being one of Royal grant and European analogy, would be much valued; and as the members would of course, according to the practice at home, only attend when formally summoned, there could be no inconvenience or restraint from the existence of such a body. In times of uneasy excitement, or actual disturbance, the special knowledge and experience, the local authority and influence of the assembled Coucillors would lay open many sources of information, and might afford the most efficient means of suppressing tumult and restoring order. It appears to me that a feudatory Prince, like the late Rajah of Puttiala, or like the Nawab of

(1) [Ed.] The idea of an Indian Privy Council, first seriously suggested by Lord Lytton (see *ante* p. 447, *n.* 1) might have been encouraged "not only as a matter of sentiment, but as a material addition to the forces of the Empire". "The opposition of certain authorities at home proved too strong for the schemes to be carried out in the way the Viceroy had planned them, and they were finally reduced to an association of some of the leading native princes, with the principal advisers of the Indian Government as 'Councillors of the Empress', thus forming a nucleus for a future Indian Privy Council" (Lady Betty Balfour's *Lord Lytton's Indian Administration*: p. *111*.)

Rampore,—recently nominated to the Legislative Council of India[1]—would be more appropriately and usefully placed in the Privy Council of the Viceroy, where he could be consulted on Imperial acts of state, and on points of general policy not suitable for public discussion, than in a public Council of legislation, engaged in making laws for the British Provinces only, and having no force within his own territories.

We have done nothing to make our Presidency cities attractive to the nobility of India. Their sons have no inducement whatever to attend our Universities, or even to attain a colloquial knowledge of our language. We have done nothing to make an English education an object of pride and ambition, a fashionable and indispensable accomplishment, among the families of the highest rank and greatest wealth.

The small class of educated natives consists, for the most part, of men who have sought education as the passport to official employment, which they have been willing to enter at the lowest grade,—a class, therefore, who can have no great influence even in their own districts, and none in the native States.

No native of India, however erudite and accomplished, can enter the arena by the favoured door of the covenanted Civil Service, without undergoing a competitive examination in London,—a rule which places him at a very unfair disadvantage in comparison with his English contemporaries, imposing upon him and his family a burden of expense, discomfort and self-sacrifice, to which not many can be expected to submit, even if

1. [Ed.] The recently remodelled Legislative Council of India certainly showed "small trace of Parliamentary freedom" and left "no place for the Calcutta Judges whose free criticisms were wont to vex the official mind." In fact it had "less scope for free action than the Darbar of a native Sovereign". Among the first non-official members who held their seats as a rule for a year, were the Maharaja of Patiala, Raja Sir Dinkar Rao and Raja Deva Narayan Singh of Benares, men whose interests lay outside the limits of the British Indian Provinces.

they have the means.[1] An equally high standard of education might easily be exacted by an examination in India, if a fair share of first nominations were assigned for local partronage.

If, convinced of the errors and crimes of the past, our rulers were seriously and sincerely bent upon establishing more equitable relations with the native States for the future, not only ought the Government to lay down and promulgate the principles of its future Imperial policy, but great care would have to be taken in selecting the agents by whom those principles were to be inaugurated and applied [2]. They should be chosen with as much reference to their moral qualities and social habits, as to their knowledge of languages and official experience. But even with the most careful selection of our Residents and Political Agents, the diplomatic reconstruction of the Empire would demand the employment of able native Assistants. Without

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(1) One young Bengalee has competed successfully in London for an appointment in the Civil Service, and has lately proceeded to the Bombay Presidency.

[Addl. note by Ed.] The Act of 1853 threw open the Service to competition among all natural-born subjects of the Queen. There was the serious handicap on Indians, they having to proceed to England for the examination. A Committee appointed by the Secretary of State in 1860 was in favour of simultaneous examinations; but its recommendation was not accepted. Up to 1870 there was only one Indian among the 916 members of the Service. This was Mr. Satyendranath Tagore who joined the service in 1864 and was posted to Bombay. In 1871, three Indians, all Bengalis, R. C. Dutt, B. L. Gupta and S. N. Banerjee, were successful. The East India Association, founded by Mr. Dadhabai Naoroji in 1867 in England, memorialised the Secretary of State for simultaneous examinations and for special scholarships for Indians. The latter was sanctioned by Lord Lawrence in 1868, but vetoed by Whitehall (See L. S. S. O'Malley: *The Indian Civil Service (1601-1930)* (ch. IX).

(2) [Ed.] G. Aberigh Mackay makes fun of the training of the Politicals thus:—"Nowadays, my informant assures me, that the Political Agents undergo a regular training in a Madras Cavalry Regiment, or in the Central India Horse, or on the Viceroy's staff, and if they have to take charge of a Mahratta State, they are obliged to pass an examination in classical Persian poetry. This is as it ought to be. The intricacies of Oriental intrigue and the manifold complication of tenure and revenue that entangle administrative procedure in the protected principalities, will unravel themselves in presence of men who have enjoyed such advantages." (*Twenty-one Days in India or the Tour of Sir Ali Baba—p 75.*)

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their aid, misunderstandings would occur at every step, delays would multiply, and results would be doubtful and insecure. In the days before 1819, when our negotiations with Indian Princes were not mere arbitrary dictations, native diplomatists[1] were among the most trusted and valued of our public servants, and their services were splendidly rewarded. And even now our "political" officers throughout India would be paralysed and blinded without their native agents, sheristadars and moonshees. But these are men, like the common run of the Amla or ministerial officers of our courts, of mean origin and imperfect education, with no public trust or responsibility, with mediocre salaries, no recognised position and no prospects. No one would think,—certainly not I—of excluding from promotion those who have fairly earned it by meritorious service in inferior situations; but what are now urgently wanted for the political department are natives of rank and education, and especially young natives as junior Assistants, of a class similar to the attachés of European embassies.

If a Prince or nobleman, summoned perhaps to Calcutta or Bombay to take his seat in Council,—and having himself experienced the advantage, or felt the want, of a knowledge of the English language,—were to ascertain that appointments in the Civil Service, in the political department. and, I should hope, commissions in the Army, could be obtained by his younger sons and relatives, on their showing the proper qualifications, it appears to me very probable that he would take measures to have some of them properly qualified, and that a very superior class of young natives,—hitherto left to indolence, discontent and debauchery—would present themselves as our active co-adjutors. Men whose

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[1] [Ed.] A typical example was Beni Ram Pandit, Vakil of the Bhonsla Court at Calcutta, during the rule of Warren Hastings and the First Maratha War. He was largely instrumental in securing the neutrality and subsequent help of Nagpore.

birth and connections are known, who have something to hope for themselves, and whose fathers have something to lose, both in property and dignity, are not exactly the men whom, of all others in the country, I should suspect of being dangerous and corrupt.

Both in the organisation of the Federal Empire, and of the Imperial Provinces,—both in what would now be called foreign and in home affairs—I believe the same rule will hold good,—that the maximum of immediate dominion and of direct European agency, involves the minimum of European influence.[1] It is because I wish to extend British influence, that I would contract British possessions. And the reason of this is very simple and easily understood. Whatever tends to facilitate and promote intercourse and harmony between the higher classes of India and the higher classes of Great Britain, will tend to assimilate their habits and modes of thought, and to diffuse new ideas and new wants among the mass of the population. Where this intercourse is impeded, or has never been established, there will be stagnation or antagonism. At

(1) [Ed.] Compare this with the following pictured by a gentleman with considerable Indian experience, writing in August 1857.

"If I were asked what ought to be done I should say: First and foremost sell land in fee simple. Have twenty fortified camps with five thousand European troops in each, infantry, cavalry and artillery. Let the rest of the army be made up of irregulars—Rajpoots of Jodhpur, Jeypore and Odeypore (and not Poorbeas of the Doab)—Sikhs and Goorkhas of course—Mahrattas and Telingas. Destroy all the old treaties with the existing chiefs who have remained faithful to us. Offer new ones on more liberal and equal terms—give them liberty of action. Let them rule their territories as independent princes. Interfere not with the ancient practice of adoption. Prohibit the Residents and Political Agents from interfering in their internal affairs, or employing confidential Moulavies and Moonshees, Jamadars and so forth, as go-betweens or negotiators in any way. They are a nuisance and an abomination to the Durbars. Let all intercourse be carried on in writing.........Sweep away your Contingents...... Remodel the Civil Service or abolish it. Coax a couple of hundred thousand families of the middle classes and yeomanry and professions and trade, to come and settle. You need not fear insurrection or rebellion again. Railways, canals and roads would then of themselves start up as if by magic". (Quoted by J. M. Ludlow; Letter XIII.)

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present it may be said that British influence in India beyond the limits of the three Presidency towns, is chiefly the influence of unlicensed force: our moral influence is very imperfect; and we exercise no social influence whatever. And no British government, no imaginable number of British merchants, planters missionaries or teachers, can produce any appreciable impression upon the hundred and fifty millions of Hindoos, so long as the inevitable effect of all our direct efforts is to exasperate and alienate the most powerful and the most influential men among them. We must gain the leaders, and the flock will follow.

THE END

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APPENDIX I

THE LATE MAJOR EVANS BELL

From *Representative Men of India*, by Sorabji Jahangir (2nd Edition : *pp.* 139–42)

The untiring and disinterested character of the labours, almost of a lifetime, of Major Evans Bell, as a champion of the wrongs and grievances of the Princes and of the people of India, entitles him to a high and honourable place in the list, short as it is of that country's best and truest friends among the members of the ruling race. Earnest, fearless, and utterly unselfish in the cause he advocated, Major Bell earned for himself the only distinction he cared to gain—*viz.*, the approbation of his own conscience, and the gratitude of the country on whose behalf he unceasingly worked.

"Thomas Evans Bell, a son of Mr. William Bell, a merchant of London, was born on November 11th, 1825. He was educated at Wandsworth; and although the range of subjects taught was not extensive, yet his love of reading led him to acquire an acquaintance with a vast variety of subjects, and his methodical habits and regard for order enabled him to apply the information thus gained to the utmost advantage. Unlike the traditional senior wrangler of Cambridge University, whose mind was so stored with knowledge that he could never get at anything he wanted, Evans Bell, by the cultivation of method, was seldom at a loss on any subject with which he had more than a passing acquaintance, and this faculty of storing information served him in good stead in after life. On leaving school, a cadetship in the East India Company's Army was offered to him, whereupon he at once applied himself to the task of learning Hindustani, and in 1841, sailed for Madras. Arrived there after a three months' passage, then considered a good voyage, Evans Bell was gazetted to the 2nd Regiment of Madras Europeans, at that time stationed at the Presidency, but afterwards transferred to Bangalore.

For twelve years his life was comparatively uneventful, save that during that period he twice visited England and gave to the world a small volume entitled "The Task of To-day" It is only necessary now to make mention of this little book, as we shall deal with Major Bell's literary works later on. It was not until the year 1854 that Evans Bell, then a lieutenant, came prominently under public notice. At that period he was withdrawn from his regiment, in order to join the civil staff employed in the administration of the newly-annexed province of Nagpur, and a year later he was appointed Assistant Commissioner of the Province and Assistant Agent to the Governor-General. It was little to be anticipated when Evans Bell, then raised to the rank of a Captain, assumed these responsible duties, that within a comparatively short period he would become embroiled with the officials and compelled to resign his appointment. This, however, was so; and instead of the fact redounding to his discredit, the causes which led to his official "disgrace" must ever be regarded as among the best evidences of his honourable, disinterested and self-sacrificing motives. Briefly the story of this embroglio may be told thus. On the death of the Raja in 1853, Nagpur was annexed by the English Government; but at the time of the conversion of the State into British territory it was clearly agreed that the Ranees and principal ladies of the harem and others dependent upon the deceased Raja, should have ample provision, consonant with their dignity, made for their support. As, however no specific sum was stated, the royal ladies and others were completely at the mercy of the Supreme Government, and in Lord Dalhousie they found anything but a sympathising or considerate ruler. The incomes allotted them were miserably insufficient, and a great grievance in particular was felt that no provision whatever had been made for Janoji Bhonsla, the adopted son of the late Raja. More than this, the personal property and private treasure of the deceased ruler was asserted by the Supreme Government to belong to the state of Nagpur; and on that state ceasing to exist, the entire accumulation of riches was transferred to Calcutta. The Ranees were naturally anxious that the unwritten contract should be fairly carried out, also that their adopted son should be fittingly provided for; and they urged upon Mr, George Plowden, the Commissioner of Nagpur, to press their claims upon the Government. Mr. Plowden, like a certain celebrated surgeon, ever had "his mouth

full of promises"; he not only agreed that the requests were reasonable, but paid a formal visit to the palace and in the presence of Janoji Bhonsla, of the Principal Native Sirdars and of the Ranees who remained behind the purdah, pledged himself to apply to Government to execute their wishes. But Mr. Plowden was essentially a man of inaction. Easy-going, pliant and procrastinating, his rule of life apparently was never to do to-day what could be put off till to-morrow. Months went by and still he did nothing. Not that he was altogether insincere, but to his view—careless of what effect his inaction might have upon the family and Native opinion—the matter did not press for settlement, and so he shelved it indefinitely. Unfortunately both for him and for the subject of this memoir, the official medium of communication between the Commissioner and the Ranees was Captain Evans Bell. In vain did Bell urge upon Mr. Plowden to keep faith with the Bhonsla family; in vain he pointed out the insufficiency of the stipends allotted to them and emphasised the growing discontent amongst the principal natives at the treatment experienced by the Royal family. Plowden still did nothing. Then occurred the terrible outbreak of 1857, when a wave of revolution swept over portions of the peninsula and threatened to engulf the government. The Sepoys were in arms; the Madras Army needed little incentive to join the revolt, and for a time all eyes were centred upon Hyderabad and Nagpur. Had not these two states remained loyal, there is little doubt that British rule would have ceased, at least for a time, in India. But Salar Jung stood firm, and although the population of Nagpur were ripe for rebellion, the timely influence of the Ranees checked disaffection. Every influence that could be brought to bear was brought, every action that could be taken was taken by them on behalf of the British Government, and without doubt their interference had much to do in the prevention of the spread of the Mutiny. Still Mr. Plowden took no action, and it is alleged that he not only did not fulfil his pledged word, but he did not even report the loyal action of the Ranees to the Supreme Government. Naturally the Bhonsla family were furious, and from discrediting Mr. Plowden they came to mistrust Captain Evans Bell. This being the position of affairs, the latter resolved upon an extreme course which amounted to an act of official insubordination, *viz.*, to write himself to the Supreme Government.

A single breach of official etiquette might have been condoned, but Bell was not a man to do things by halves; he sent letter after letter, his language becoming stronger and stronger, until at last the Government had no option but to remove him from his post for insubordination and to dismiss Mr. Plowden from his position for dereliction of duty. It is but right, however, to note that the Secretary of State, whilst condemning Bell's "insubordination", acknowledged that his proceedings had been "honest, fearless and unselfish". Undoubtedly the loss to Bell was great, but he had his reward, the only guerdon for which a man of his calibre would crave. Writing to his brother on the 11th May, 1860, he says:—"All the measures of compensation to the Bhonsla family recommended by me have now been approved and carried out by Lord Canning" In another letter written just before his departure from Nagpur he said:— "All the people have, English and Native, been very kind to me and the latter very grateful. In fact, if I were to tell you all that the young Rajah and his relations have said, and describe the tears that they have shed and the prostrations they have offered to make during our leave-taking, and the offers they have made in the Oriental fashion, but most seriously, to load me with gold and jewels, you would never allow any one to say, as Europeans often do, that natives are never grateful. Alas! few natives have reason to be grateful to Europeans; and in good truth, the Bhonsla family have little reason to be grateful to me, for all that I did was quite unavoidable on my part. The young Rajah and the Ranees gave me a dinner at the palace at which all the gentlemen at Setabuldee and two or three from Kamptee were present, and to-night the father of Janoji Bhonsla gives an entertainment to fourteen or fifteen gentlemen in my honour at the house of the Deputy Commissioner". Truly Bell had reasons to be satisfied with the results of his exertions, for though he himself suffered somewhat seriously, the cause for which he laboured, had triumphed in every point.

On leaving Nagpur, in September 1860 Evans Bell started for Madras, but took Calcutta on his way to have an interview with Lord Canning. His reception by the Viceroy can best be told in his own words, as extracted from his diary, 21st October:—Was received by Lord Canning at 9 o'clock—he gave me credit for good intentions in

assailing Mr. Plowden and also in advocating the Bhonsla's cause, though he said in a hesitating way, "I can't help thinking there was a spice of—a spice of—hum—hum"—and broke down. He then said very decidedly and repeatedly that discipline was as essential in civil affairs as in military; that he never had tolerated, never would tolerate such insubordination as mine; that he could not have asked Mr. Plowden or Major Elliott, or any Commissioner of Nagpur, to keep me there after what had occurred; that he made every allowance for me, and that he understood quite well how much my proceedings were due to Mr. Plowden's misconduct, but that he could not admit that I had any claim to be immediately transferred from Nagpur to another appointment, and that he considered I had been treated leniently. His manner was not disagreeable, and he shook hands with me when I took leave....Lord Canning has a finely shaped head and well-bred appearance, a fair thin skin and white hands; but he has an awkward manner of opening his mouth into an oval form when speaking, which spoils the effect of everything he says. His lips are very thin and the mouth weak in expression. He has also the nervous irritable manner, ready to start into querulous or angry excitement at small provocation, of the inveterate smoker." One excellent result accrued from the Calcutta visit. The Viceroy assured Bell that in placing on record the fact that his name was not barred for future employment, he by no means intended to make use of an empty form; and he was as good as his word, for early in the January following, the "disgraced" official was appointed Deputy Commissioner of the Madras Police and President of the Madras Municipal Commission. These responsible positions he continued to occupy, winning golden opinions alike of Europeans and Natives, until in 1863, he retired and returned to England.

Retirement from the service did not with Evans Bell mean inaction, nor did his warm sympathies with the people of India pale or waxcold after he ceased to be with them. On the contrary, his enthusiasm increased; the only difference being that the force was expended in another direction. We have paid passing notice previously to Bell's first literary effort, which, like most attempts of the kind written by young men, was not calculated to greatly enhance his reputation. On his return from India, filled as he was with

enthusiasm for the native cause, eager as he was for that equality the light of which is beginning to dawn, and convinced in his own mind of the unwisdom of the policy of annexation then being pursued, he again took up the pen and in 1868 his "Retrospects; and Prospects of Indian Policy" was given to the world. In this volume he severely attacked the course pursued by Lord Dalhousie and bitterly denounced a system under which independent states were created centres of disaffection instead of being as they should be, warmly attached to the Paramount Power by ties of self-interest and mutual good-will. Especially was Bell intolerant of the Modern Political Resident, who, he contended, did infinitely more harm than good. His sweeping strictures were, at that time, possibly not wholly undeserved, but in this, as in some other instances, he allowed prejudice to somewhat warp his judgment. "So long", he wrote, "as we are without a distinct, intelligible and progressive Imperial Policy, the Native sovereignties of India cannot be considered safe. The annexationists having a very clear idea of what they want and the beneficient effect of their object upon all parties, if it can be fairly acquired, being as yet hardly disputed or doubted, they have a great advantage on their side when any question of territorial aggrandisement comes up for immediate decision. Good opportunities and pretexts for the pursuit of their simple policy are certain to present themselves from time to time and there is not likely to be any very violent dispute as to what may constitute a fair acquisition. When all are agreed that the end is desirable, there is little chance of a quarrel about the means. What we want therefore, is an Imperial Policy for India, that shall be more than tolerant of Native States, that shall recognise their corporate nature, and no longer consider their duration to be dependent on the talents and good behaviour of a Prince, or the vitality of a particular family. We want a policy that shall be proof against every provocation and every temptation; not one that will work smoothly with a Salar Jung or a Dinkur Rao and break down with the first incompetent minister or a contumacious Prince. We want a policy that shall practically acknowledge the duty of instruction to be inherent in that of protection". And again, anent the Political Residents before referred to:—"The Indian despatches of Wellesley, Wellington, Munro, Malcolm and Mountstuart Elphinstone, show that the men who created an Empire out of scattered provinces, and

brought virtual supremacy out of a chaos of obligations and claims, did not despise the views of Indian Princes or of their Indian ministers, or arrogate to themselves even after a conquest, the right of overriding or over-ruling at will, all separate interests. A Hindu or Mussalman sovereign and the native statesmen who served him, were then not only treated with considerate deference and personal respect, but were acknowledged as the legitimate exponents and advocates of their local concerns and objects, and were not urged or expected to give way beyond the terms of their engagements. But with unquestioned supremacy another spirit had gradually crept over the relation of the British Government of India with the allied, tributary, and protected states. The aspect and demeanour of our diplomatic agents towards the Princes and statesmen of India has been by degrees offensively transformed....Our average Resident, a political agent, is not content if the administration of the protected state is working satisfactorily for the public good, unless it is working in a way that upholds his personal consequence. He is, in his own conceit, not merely the representative, but the embodiment of Imperial dignity. It matters not how offences come; if he is offended the Empire is attacked....A gentleman of the Indian Civil Service or officer of the Staff Corps 'in political employ' may transmit what he pleases in official or demi-official form, of current gossip and surmise, backstairs tattle or personal opinion as to the private morals and pursuits of a sovereign or minister and, if he does it effectively, will make a reputation by it. He need not be very particular about his language. But nothing like reciprocal freedom is allowed in such matters. A political agent may write that the prince's personal appearance 'is painfully against him'—and it may be published in a blue book—that the prince 'drinks', that he eats too much, that he is entirely under the influence of his wife, or of some lady who is not his wife, or of a favourite servant. But let us imagine a prince or a minister turning the tables on an officer of the Staff Corps and writing to the Viceroy that the political agent drinks too much champagne or smokes too much or that he is under the influence of some irresistible and irregular charm, or that he is managed by a Moonshee whose annual salary is £ 250 and who is known to have amassed a large fortune—the consequences would be terrific for the dark statesman". Though this description certainly does not apply to the Residents and Political

Agents of the present time, who are for the most part men of high principles, and are desirous of upholding the dignity and interest of the Princes, there is no doubt but that the above picture of those of the last generation was more or less a true one. "Retrospects and Prospects" was succeeded in 1869 by a volume entitled "The Oxus and the Indus" in which the author dealt with Lord Lawrence's dealings with Shere Ali, and strongly advocated the restoration of the Peshawar Valley to the Ameer. It was Bell's contention that in order to have a "strong and friendly Afghanistan", no "scientific frontier" was needed, but only that bond which springs from the removal of injustice and mistrust and ultimately ripens into confidence and affection. The year 1870 saw the publication of his third work of importance, "Our Great Vassal Empire" in which he attacked the "red-tapeism" and officialism, which, he contended, existed to the great detriment of good government in India. To his way of thinking the system then in vogue was based upon the principle of "how not to govern" rather than upon those dictates of common sense, conciliation and decision which alone form the foundation of stable rule. Amongst his other principal writings, which amount to fifteen substantial works, may be mentioned "The Bengal Reversion", "Last Counsels of an Unknown Counsellor" and "Memoirs of General John Briggs", published in 1886 and the last he wrote. The sands of Major Bell's life were now fast running out. After lingering from a painful and protracted malady, he died on the 12th September, 1887. A few weeks previous to his demise, a meeting of Indian gentlemen residing in England and of English friends was convened at the Westminster Palace Hotel under the presidency of Mr. Dadhabhai Naoroji, to adopt an address to him thanking him "for his eminent services to the Princes and people of India and also expressing sympathy with him in his illness". Major Bell's works, though not popular in the common acceptation of the term, were duly appreciated by those competent to judge, and he numbered amongst his personal friends many eminent men of letters.

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APPENDIX II

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13	4	to be but a 'Maratha'	to be but to be a 'Maratta'
48	14	The Key to the cypher	The Key to to the cypher
49	20	any other light than	any other light that
50	26	should refuse	should refused
55	3	which	wbich
55	31	auction	action
56	8	perpetrated	prepetrated
,,	28	escheat	excheat

7	(N. 1)–2	'First'	'Frst'
36	10	and	aud
38	(N. 2)–6	ingenious	ingenions
39	(N. 2)–1	Montgomery	Moutgomery
67	N. 27	by British troops	British troops
76	3	refused	refussd
87	7	Receiving	Receving
93	3	would	wuuld
112	(N)–11	to receive	to received
136	23	Mussulman.	Mussuman.
140	12	remonstrated	reminstrated
146	12	into	iato

Page.	Line.	Read	For
154	19	can the	can be
173	8	would	woutd
181	(N. 1)-7	at	a
199	2	British	Britsh
207	(N. 2)-1	on	an
237	16	of the Rajas	of the Raja's
258	14	than	that
259	4	constituting	consttuting
260	1	Rupees	Rupeee
262	9	acquisition	aquisition
273	(N. 1)-16	latter having	lette rhaving
287	2I	despotism	depotism
290	(N. 4)-5	contains mere	contains a mere
298	31	re-establishment	re establishmont
313	10	recognition	recongnition
322	Heading	June 18th, 1861	June 18th, 1801
331	(N. 1)-8	Secretary of State's despatch	Secretary of state's sespatch
339	1	and	aud
341	(N. 1)-6	injury	enjury
360	(N. 2)-14	began to be relaxed	began to relaxed.
372	(N. 2)-3	cherished	cheristed
378	7	remonstrances	remonstances
385	(N. 4)-9	to any advantage	to any advantages
387	(N. 2)-9	personally	personably
388	(N)-15	Sir Mark Cubbon	Sri Mark Cubbon

Page.	Line.	Read	For
390	(N. 1)-6	despotism	depotism
399	6	omit 'that'	
403	(N. 2)-20	rest on any	rest an any
,,	,, 24	accepted	accpted
,,	,, 26	no longer	no larger
407	16	parties	partles
414	32	at	af
420	26	sufficiently	sufficently
432	(N. 5)-4	distinctly	districtly
443	(N. 1)-19	Dhulip Singh	Dhnlip
,,	20	with	witfi
444	14	of such a plan	of a such a plan
449	(N. 1)-2	teemed with	teemed with with
452	3	patronage	partronage